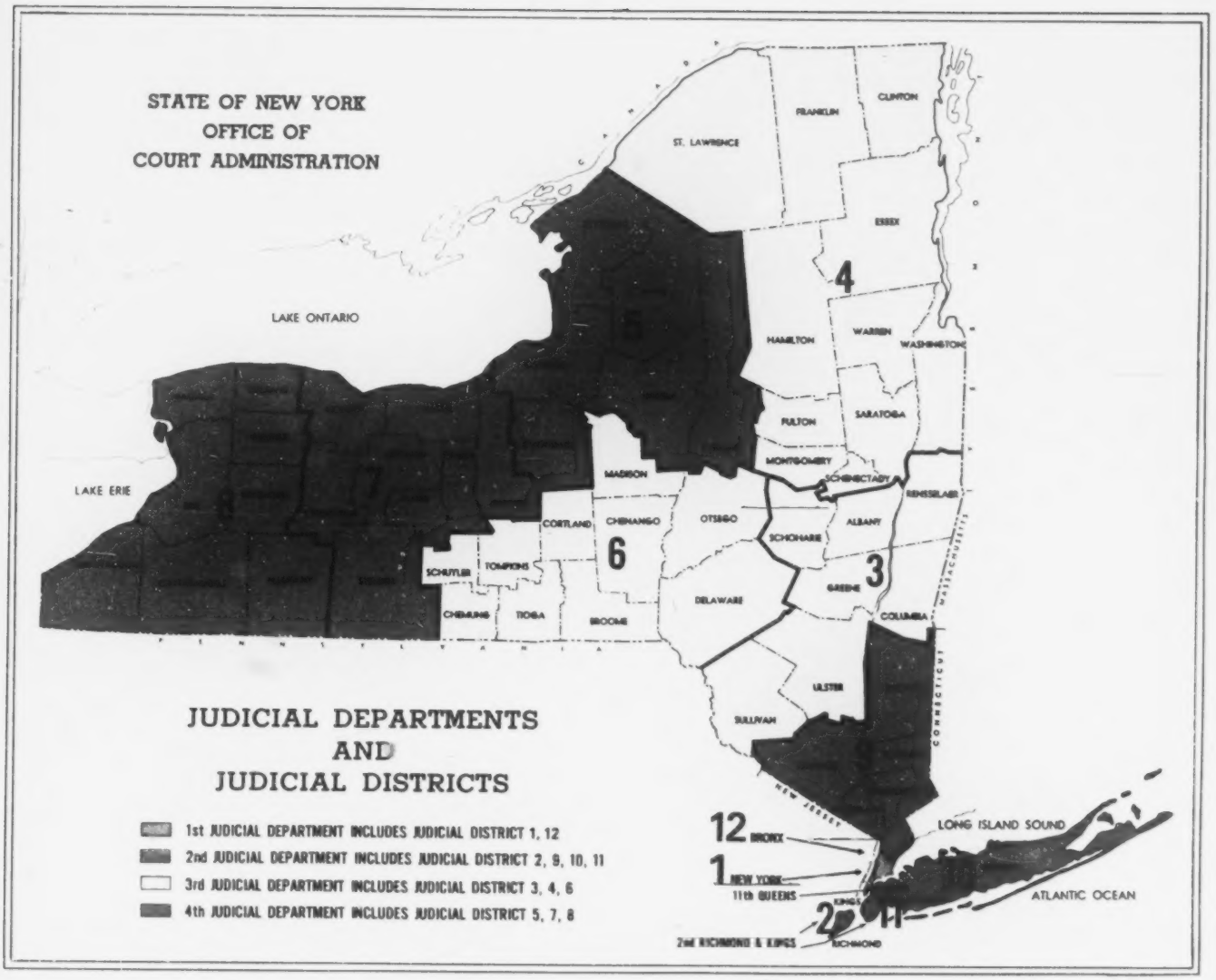
STATE OF NEW YORK

Ninth Annual Report
of
The Chief Administrator of the Courts

1987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MASSACHUSETTS
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NEW JERSEY
12 BRONX
1 NEW YORK
11th QUEENS
KINGS
2nd RICHMOND & KINGS
RICHMOND
LONG ISLAND SOUND
ATLANTIC OCEAN
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AND
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Letter of Transmittal

To:

THE HONORABLE MARIO M. CUOMO, Governor of the State of New York,
and
The Legislature of the State of New York:

Pursuant to Section 212 (j) of the Judiciary Law, I submit this annual report of the activities and state of the unified court system in 1986.

Albert M. Rosenblatt
Chief Administrative Judge

March 15, 1987

COURT OF APPEALS

Sol Wachtler, *Chief Judge*

Richard D. Simons
Judith S. Kaye
Fritz W. Alexander II
Vito J. Titone
Stewart F. Hancock, Jr.
Joseph W. Bellacosa

ADMINISTRATIVE BOARD OF THE COURTS

Sol Wachtler, *Chairman*

Francis T. Murphy
Milton Mollen
A. Franklin Mahoney
Michael F. Dillon

STATE OF NEW YORK

Report of The Chief Administrator of the Courts

For the Calendar Year

January 1, 1986 — December 31, 1986

Court of Appeals

Sol Wachtler, *Chief Judge*

Bernard S. Meyer
Richard D. Simons
Judith S. Kaye
Fritz W. Alexander II
Vito J. Titone
Stewart F. Hancock, Jr.

Chief Administrative Judge of the Courts

Joseph W. Bellacosa

Administrative Board of the Courts

Sol Wachtler, *Chairman*

Francis T. Murphy
Milton Mollen
A. Franklin Mahoney
Michael F. Dillon

State of New York
Unified Court System
1986

JOSEPH W. BELLACOSA
Chief Administrative Judge

MILTON L. WILLIAMS
Deputy Chief Administrative Judge
New York City Courts

MATTHEW T. CROSSON
Deputy Chief Administrator
for Management Support

ROBERT J. SISE
Deputy Chief Administrative Judge
Courts Outside New York City

Administrative Judges

KATHRYN McDONALD
Administrative Judge
New York City Family Court

ISRAEL RUBIN
Administrative Judge
New York City Civil Court

ROBERT G.M. KEATING
Administrative Judge
New York City Criminal Court

XAVIER C. RICCOBONO
Administrative Judge
First Judicial District
Supreme Court, Civil Branch

PETER J. McQUILLAN
Administrative Judge
First Judicial District
Supreme Court, Criminal Branch

LEONARD E. YOSWEIN
Administrative Judge
Second Judicial District
Supreme Court

FRANCIS X. SMITH
Administrative Judge
Eleventh Judicial District
Supreme Court

ALFRED D. LERNER
Acting Administrative Judge
Eleventh Judicial District
Supreme Court

LOUIS FUSCO, JR.
Administrative Judge
Twelfth Judicial District
Supreme Court, Civil Branch

BURTON B. ROBERTS
Administrative Judge
Twelfth Judicial District
Supreme Court, Criminal Branch

HAROLD E. KOREMAN
Presiding Judge
Court of Claims

EDWARD S. CONWAY
District Administrative Judge
Third Judicial District

J. RAYMOND AMYOT
District Administrative Judge
Fourth Judicial District

WILLIAM R. ROY
District Administrative Judge
Fifth Judicial District

HAROLD A. ZELLER
District Administrative Judge
Sixth Judicial District

JOSEPH G. FRITSCH
District Administrative Judge
Seventh Judicial District

JAMES B. KANE
District Administrative Judge
Eighth Judicial District

JOSEPH F. GAGLIARDI
District Administrative Judge
Ninth Judicial District

LEO F. MCGINTY
Administrative Judge
Nassau County

ARTHUR M. CROMARTY
Administrative Judge
Suffolk County

- ★ -

MICHAEL COLODNER
Counsel

WILLIAM CLAPHAM
Director, Budget and Finance

THOMAS CHRISTIAN
Director, Community Dispute Resolution Centers Program

MICHAEL F. McENENEY
Director, Court Operations Services

DON TAYLOR
Director, Education and Training

HOWARD RUBENSTEIN
Director, Employee Relations

ADRIENNE WHITE
Director, Equal Employment Opportunity

WILLIAM GALLAGHER
Inspector General

WAYNE McGRATH
Director, Personnel

RICK ROSS
Director, Programs and Planning

HAROLD WOLFE
Director, Public Information

Preface

This is the Ninth Annual Report of the Chief Administrator of the Courts. It is submitted pursuant to section 212 (j) of the Judiciary Law and covers the period from January 1, 1986 through December 31, 1986.

This report is the ninth in a series that succeeded the annual reports of the Administrative Board of the Judicial Conference, the Judicial Conference, and the Office of Court Administration. That series, in turn, had succeeded the annual reports of the Judicial Council.

The report consists of four chapters. Chapter 1 describes the objectives, the structure, the administration and the financing of the courts in New York State. Chapter 2 presents the caseload activity report for court operations in calendar year 1986. Chapter 3 reports on education and training programs conducted, coordinated or assisted by the Office of Court Administration in 1986.

Chapter 4 summarizes (a) the legislation sponsored by the Office of Court Administration at the 1986 session of the Legislature and (b) rules revised or added during that year. It includes the *1987 Report of the Advisory Committee on Civil Practice to the Chief Administrator of the Courts of the State of New York*, the *1987 Report of the Advisory Committee on Criminal Law and Procedure to the Chief Administrator of the Courts of the State of New York*, the *1987 Report of the Family Court Advisory and Rules Committee to the Chief Administrator of the Courts in the State of New York*.

The two Appendices consist of: 1) Other Programs (Retainer and Closing Statements, Satements of Approval of Compensation, Appointment of Fiduciaries, Attorney Registration, and Adoption Affidavits) and 2) Family Court Data.

The narrative, reportorial and statistical data collected in this report are intended to help the reader understand the judicial branch a bit better. This report also can serve to assist us in planning for the future because by looking back we can often see more clearly ahead. This report cannot convey, however, the abiding commitment of all members of the judicial branch to the ideal of justice equally dispensed for all. That commitment cannot be measured statistically. But it can always be improved. And that improvement remains our foremost and constant goal.

Please Do Not Destroy or Discard This Report.

When this report is of no further value to the holder, please return it to the Office of Court Administration, 270 Broadway, New York, N.Y. 10007, so that copies will be available for replacement in our sets and for distribution to those who may request them in the future.

Acknowledgment

The Chief Administrator of the Courts gratefully acknowledges the assistance and cooperation extended to him and to the Office of Court Administration during the past year by the Governor and his staff, members of the Legislature, members of the Judiciary, court personnel, bar associations, and individual lawyers and laypersons.

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Chapter 1

The Courts

The *Judiciary* is one of the three branches of New York State Government. The powers and the structure of the New York State Judiciary are embodied in Article VI of the State Constitution. Article VI was approved by the voters in the 1961 election and became effective September 1, 1962, bringing about the first court reorganization in New York since 1894.

Article VI provides for a "unified court system for the state," specifies the organization and the jurisdiction of the courts in the state, and establishes the method of selection and removal of judges and justices.

Article VI also provides for the administrative supervision of the courts. Since April 1, 1978, under a court reform constitutional amendment approved by the people in November 1977, the responsibility and the authority for that function have been vested in the Chief Judge of the Court of Appeals, who is the Chief Judge of the State.

The Judiciary (1) provides a forum for the peaceful, fair and prompt resolution of (a) civil claims and family disputes, (b) criminal charges and charges of juvenile delinquency and (c) disputes between citizens and their government and challenges to governmental actions; (2) determines the legality of wills, adoptions, uncontested divorces and other undisputed matters submitted to the courts for review and approval; (3) provides legal protection for children, mentally ill persons and others entitled by law to the special protection of the court; and (4) regulates the admission of lawyers to the Bar and their conduct and discipline.

1.1 Court Structure

In New York State the courts of original jurisdiction, or trial courts, hear a case in the first instance, and the appellate courts hear appeals from the decisions of other tribunals.

The *appellate courts* are the Court of Appeals, the Appellate Divisions and the Appellate Terms of the Supreme Court, and the County Courts acting as appellate courts in the Third and Fourth Judicial Departments. The *trial courts* of superior jurisdiction are the Supreme Court, the Court of Claims, the Family Court, the Surrogates' Courts and, outside New York City, the County Courts. The trial courts of lesser jurisdiction are the Criminal Court and the Civil Court of the City of New York and, outside New York City, City Courts, District Courts and Town and Village Justice Courts.

The appellate structure of these courts is shown in Figures 1a and 1b.

The *Court of Appeals* is the highest court of the state. It consists of the Chief Judge and six Associate Judges. They are appointed by the Governor for 14-year terms, with the advice and consent of the Senate, from among persons found to be well-qualified by the Commission on Judicial Nomination. Five members of the Court constitute a quorum, and the concurrence of four members is required for a decision.

The jurisdiction of the Court is limited by Section 3 of Article VI of the Constitution to the review of questions of law, except in a criminal case in which the judgement is of death or a case in which the Appellate Division, in reversing or modifying a final or interlocutory judgment or order, finds new facts and a final judgment or order is entered pursuant to that finding. An appeal may be taken directly from the court of original jurisdiction to the Court of Appeals from a final judgment or order in an action or proceeding in which the only question is the constitutionality of a state or Federal statute. In other matters, the Constitution provides that certain cases can be taken to the Court of Appeals as a matter of right, while in still other cases an appeal to the Court of Appeals may be taken only with the leave of a justice of the Appellate Division or a judge of the Court of Appeals or upon the certification of the Appellate Division or the Court of Appeals.

The Court also hears appeals from determinations of the State Commission on Judicial Conduct.

The Appellate Divisions of the Supreme Court are established in each of the state's four judicial departments (see the map at the beginning of this chapter). Their responsibilities are:

- Resolving appeals from judgments or orders of the superior courts of original jurisdiction in civil and criminal cases and reviewing civil appeals taken from the Appellate Terms and the County Courts acting as appellate courts.
- Conducting proceedings to admit, suspend, or disbar lawyers.

Each Appellate Division has jurisdiction over appeals from judgments and from final and some intermediate orders rendered in county-level courts and original jurisdiction over selected proceedings. Where established by the Appellate Division, *Appellate Terms* exercise jurisdiction over civil and criminal appeals from various local courts and nonfelony appeals from the County Courts in the Second Judicial Department.

As prescribed by Section 4, Article VI of the Constitution, justices of the Supreme Court are designated to the Appellate Divisions by the Governor. The Governor designates the Presiding Justice of each Appellate Division, who serves for the length of his or her term of office as a justice of the Supreme Court. Associate justices are designated for five-year terms or for the remainder of their terms of office, whichever period is shorter. Section 212 of the Judiciary Law provides that justices of the Appellate Terms shall be designated by the Chief Administrator of the Courts with the approval of the Presiding Justices.

The *Supreme Court* has unlimited, original jurisdiction, but it generally hears cases outside the jurisdiction of other courts, such as:

— Civil matters beyond the financial limits of the lower courts' jurisdiction;

— Divorce, separation, and annulment proceedings;

— Equity suits, such as mortgage foreclosures and injunctions; and

— Criminal prosecutions of felonies and indictable misdemeanors in New York City.

Supreme Court justices are elected by judicial district for 14-year terms.

The *County Court* is established in each county outside New York City. It is authorized to handle criminal prosecutions of offenses committed within the county, although in practice, most minor offenses are handled by lower courts. The County Court also has limited jurisdiction in civil cases generally involving amounts up to $25,000.

County Court judges are elected in each county for terms of 10 years.

The *Surrogate's Court* is established in every county and hears cases involving the affairs of decedents, including the probate of wills and the administration of estates, and adoptions.

Surrogates are elected for terms of 10 years in each county outside New York City and for terms of 14 years in each county in New York City.

The *Family Court* is established in each county and the City of New York to hear matters involving children and families. The principal types of cases it hears include:

— Support of dependent relatives;

— Juvenile delinquency;

— Child protection;

— Persons in need of supervision;

— Review and approval of foster-care placements;

— Paternity determinations;

— Family offenses; and

— Adoptions (concurrent jurisdiction with the Surrogate's Court).

Family Court judges are elected for 10-year terms in each county outside New York City and are appointed by the Mayor for 10-year terms in New York City.

The *New York City Civil Courts* tries civil cases involving amounts up to $25,000. It includes a Small Claims Part for the informal disposition of matters not exceeding $1,500 and a Housing Part for housing-code violations. New York City Civil Court judges are elected for 10-year terms. In addition to Civil Court judges, special Housing judges are appointed for 5-year terms to sit in Housing Parts. They are not, however, constitutional judges. The appointments are made by the Administrative Judge of the Civil Court.

The *New York City Criminal Court* conducts trials of misdemeanors and violations. Criminal Court judges also act as arraigning magistrates for all criminal offenses. New York City Criminal Court judges are appointed by the Mayor for 10-year terms.

There are four kinds of courts of lesser jurisdiction outside New York City; *District, City, Town* and *Village Courts.* These four courts handle minor civil and criminal matters. The methods of selection and the terms of office of judges of these courts vary throughout the state.

The *Court of Claims* is a special trial court that hears and determines claims against the State of New York. Court of Claims judges are appointed by the Governor, with the advice and consent of the Senate, for nine-year terms.

(See Table I for the authorized number of judges in the State Judiciary.)

1.2 Court Administration

Section 28 of Article VI of the State Constitution provides that the Chief Judge of the Court of Appeals is the Chief Judge of the State and its chief judicial officer. The Chief Judge appoints a Chief Administrator of the Courts (who is called the Chief Administrative Judge of the Courts if the appointee is a judge) with the advice and consent of the Administrative Board of the Courts. The Administrative Board consists of the Chief Judge as chairman and the Presiding Justices of the four Appellate Divisions of the Supreme Court.

The Chief Judge establishes statewide administrative standards and policies after consultation with the Administrative Board of the Courts and promulgates them after approval by the Court of Appeals.

The Chief Administrator, on behalf of the Chief Judge, is responsbile for supervising the administration and operation of the trial courts and for establishing and directing an administrative office for the courts, called the Office of Court Administration (OCA). In this task, the Chief Administrator is assisted by two Deputy Chief Administrative Judges, who supervise the day-to-day operations of the trial courts in New York City and in the rest of the state, respectively; a Deputy Chief Administrator, who supervises the operations of the units that make up the Office of Management Support; and a Counsel, who directs the legal and legislative work of the Counsel's Office.

The Office of Management Support provides the administrative services required to support all court and auxiliary operations. These services include personnel and budget administration; programs and planning operations; operational services; educational programs for judges and nonjudicial personnel; public information services; employee relations; equal employment opportunity programs; the Office of Inspector General; court security services, and the Community Dispute Resolution Centers Program.

Counsel's Office prepares and analyzes legislation, represents the Unified Court System in litigation, and provides various other forms of legal assistance to the Chief Administrator of the Courts.

Responsibility for on-site management of the trial courts and agencies is vested with the Administrative

Judges. In each upstate judicial district, there is a District Administrative Judge who is responsible for supervising all courts and agencies. In New York City, Administrative Judges supervise each of the major courts, and the Deputy Chief Administrative Judge provides for management of the complex of courts and court agencies within the City. As a result of an internal management reorganization in 1981, the Administrative Judges not only manage court caseload, but also are responsible for general administrative functions, including personnel and budget administration and all fiscal procedures.

The Court of Appeals and the Appellate Divisions are responsible for the administration of their respective courts. The Appellate Divisions also oversee several Appellate Auxiliary Operations: Candidtate Fitness, Attorney Discipline, Assigned Counsel, Law Guardians, and Mental Hygiene Legal Service.

Chapter 156 of the Laws of 1978 implements the constitutional provisions on the administrative supervision of the court system. Sections 211-213 of Article 7-A of the Judiciary Law set forth the administrative functions of the Chief Judge, the Chief Administrator, and the Administrative Board. (See Figure 2.)

1.3 Court Finance

For the New York State fiscal year ending March 31, 1987, the anticipated expenditures for operating all the state courts, except town and village justice courts, were $726 million.

1.4 Program Highlights

1.4.1 Individual Assignment System

The Individual Assignment System (IAS) is an approach to case processing under which the judge assigned to a case at its inception handles the case exclusively to its conclusion. This case processing system was implemented in all trial courts (except the District Courts in Nassau and Suffolk Counties and the New York City Civil and Criminal Courts) on January 6, 1986. The IAS allows judges to give measured and efficient consideration to matters assigned to them, permitting the most effective processing of cases at each stage of deliberation and promoting increased public confidence in the courts. During the first year under the IAS, the courts, the bar and the public they serve have generally expressed satisfaction with the operation of this fair and open case assignment system, which is subject to continual assessment, modification and flexibility.

1.4.2 Court Facilities

The court system's single most pressing need continues to be the improvement and expansion of court facilities throughout the state.

Those who work in and use the courts are entitled to a dignified place of deliberation in which to resolve their controversies. Too often, they find instead substandard and deplorable court facilities which contribute to the perception of justice denied or, worse, justice degraded.

Fundamental responsibility for providing and maintaining court facilities remained the responsibility of local government when the state assumed the cost of operating county and city-level courts in 1977. Some municipalities have met their facility-related obligations well during the past several years. Many, however, have not. It is clear to all that the time has come to establish an effective statewide facilities program to ensure that new courthouses are built where needed and that further deterioration of existing court facilities is arrested.

The Unified Court System has submitted a comprehensive legislative measure designed to meet the court facilities crisis. Its thrust is to encourage and assist local governments in meeting their long-standing obligations to provide the courts with adequate facilities by enabling them to draw upon the state's technical and fiscal assistance. To this end, it (1) permits use of the State Dormitory Authority both as a funding agency and a construction agency; and (2) authorizes payments of state aid to local governments to offset limited courthouse maintenance and operation costs and certain debt service costs. The state aid program will be funded from a separate court facility incentive aid account. Monies in that account will be derived from modest increases in court fees.

1.4.3. Court Merger

The courts in New York State are often referred to as the Unified Court System. In practice, however, the system is not truly unified. Currently, bench, bar and litigants in the state are faced with a multiplicity of trial courts with overlapping jurisdictions.

To remedy this situation, the 1986 Legislature gave first passage to proposed amendments to the Constitution that would abolish the Court of Claims, County Court, Family Court, Surrogate's Court, District Courts and the New York City Civil and Criminal Courts and merge their judges and jurisdiction into a single statewide Supreme Court. The resulting single tier trial court system would be more responsive and flexible, better suited than the current fragmented system to ensure the expeditious administration of justice in a complex society and more simple and comprehensive to everyone, including the public. As proposed, these amendments provide for abolition and merger into the Supreme Court of the county-level courts (County, Family and Surrogate's) on January 1, 1989; of the Court of Claims on January 1, 1990; and of the District Courts and the New York City Civil and Criminal Courts on January 1, 1991.

In 1987, the State Legislature is expected to give the required second approval to this fundamental reform. It will then be placed on the ballot in the November 1987 General Election as a constitutional amendment for voter approval.

1.4.4 Additional Judgeships

Chapter 906 of the Laws of 1986, effective January 1, 1987, authorized 23 additional Court of Claims judgeships. Creation of these new judgeships, in response to an urgent appeal from the Chief Judge and the Chief Administrative Judge in August 1986, will permit New York City Criminal Court judges who have been sitting as Acting Supreme Court Justices in the criminal term of that court to be transferred back to deal with a serious backlog of pending cases in the Criminal Court — 34,584 cases at the end of 1986, a 25 percent increase since the end of 1985. That

increase, due in large part to an upsurge in drug-related arrests, shows no sign of abating in 1987.

1.4.5 Civil Transfer Plan

The Civil Transfer Plan, whose objective is the reduction of civil case backlogs, continues at the modest level of 10 parts, all located in New York City. This plan equates to 110 additional judge terms of court. Judicial resources for coverage of these additional terms are provided through the transfer of justices and judges from Districts Three through Ten and the Court of Claims.

1.4.6. Judicial Hearing Officers

Chapter 840 of the Laws of 1983 established the statewide Judicial Hearing Officer Program. It provides for the utilization of qualified retired judges and justices to function as hearing officers in civil and criminal matters pursuant to designation by the Chief Administrative Judge.

Retired judges and justices have been utilized for civil matters such as matrimonial issues, accounting proceedings, discovery, certiorari, equitable distribution, medical malpractice panels, preconferencing arbitration cases, and, in criminal cases, hearings on pre-trial motions. Their work in these areas has allowed for the devotion of full-time judicial resources to trial work, thus allowing for the most efficient utilization of judicial personnel.

The program has been expanded as Judicial Hearing Officers became a valued component in the assignment of judicial resources to meet the needs of each Judicial District. At present, the utilization of Judicial Hearing Officers varies by District, depending upon District needs, availability, and the particular judicial attributes of those so designated.

As emphasis continues to be directed toward case management and efficient utilization of resources, particularly with the start of the Individual Assignment System, the role of the Judicial Hearing Officer will continue to expand.

1.4.7 Family Court Hearing Examiner Program

Chapter 809 of the Laws of 1985 significantly changed the operation and scope of the Family Court Hearing Examiner Program. Effective Nov. 1, 1985, the new law authorized the Chief Administrator to establish separate support parts in each Family Court. It requires the use of Family Court Hearing Examiners in New York City and all counties with a population of over 400,000 and in counties of under 400,000 that have not received an exemption from the Federal Government. The use of Hearing Examiners is part of an expedited process that is mandated under Federal Law. In order to receive Federal reimbursement for child support cases, all matters must be resolved withing the following time frames (from filing to disposition): (1) 90 percent within 3 months; (2) 98 percent within 6 months and (3) 100 percent within 1 year. Family Court Hearing Examiners "hear and determine" matters related to child support and paternity, as opposed to the previous "hear and recommend."

To implement this legislation, 71 new Family Court Hearing Examiner parts were established in November 1985. A ratio of 3,000 cases annually per examiner was used to determine the number of additional parts necessary. To staff these new parts, 180 new positions were created. This mandated program has effectively expedited child support payments and has proportionately relieved Family Court judges of that burden, allowing them to devote more time to the many other categories of sensitive and difficult cases in the Family Court.

All expenditures related to child support proceedings are subject to Federal reimbursement claim under Title IV-D of the Social Security Act. The Federal Department of Health and Human Services—Office of Child Support Enforcement reimburses a percentage of the costs related to IV-D child support cases. Supporting data for claims are developed by the Office of Court Administration and processed by the Department of Social Services under the single state agency concept. The reimbursed funds are deposited in the state's general fund.

1.4.8 Community Dispute Resolution Centers Program

Established pursuant to Chapter 847 of the Laws of 1981, this program provides financial and operational support to locally operated neighborhood centers for the resolution of minor disputes, including many that now clog the courts of limited jurisdiction and contribute to delays and backlogs in the court system. Chapter 156 of the Laws of 1984 made the Community Dispute Resolution Centers Program a permanent component of the Unified Court System. Chapter 91 of the Laws of 1985 increased the monetary ceiling to $1,500 on awards that may be rendered by mediation centers under contract with the program. On August 1, 1986, Chapter 837 of the Laws of 1986 was signed into law, allowing the referral of selected felonies to dispute resolution. Both of these most recent changes will increase the number of referrals to the centers.

Programs currently operate in 55 counties. It is expected that dispute resolution centers will be available in all 62 counties soon. There are various program models based on the workload volume for each county. In less populated areas, volunteer citizen mediators are available through coordination from a regional office. In urban areas a fully staffed dispute resolution center is in place.

1.4.9 Information and Records Management in the Trial Courts

The creation and management of information and records is one of the principal activities performed in the trial courts of the Unified Court System in support of administration and the case disposition process. The performance of information and records management functions is the primary job of about half of the nonjudicial staff of the trial courts.

The Unified Court System uses computer technology to meet information and records management requirements in appropriate settings. Manual systems or techniques also can offer executive approaches to information and records management for particular sites or functions. The emphasis is on the development of efficient processes.

In this regard, a major statewide project to develop standard operations manuals for all trial courts began in 1986 and will continue for several years. The contents of each manual will be applied uniformly statewide. Each manual will contain the following: (1) within one of three general approaches — manually, electronically via micro-

computer system, or electronically via mainframe computer system — the approved procedures for the performance of all information and records management functions; (2) the records that are permissible for each type of court to create; (3) the form and contents of each record; (4) retention schedules and disposition methods for all records series, and (5) educational material on laws, rules, and other matters related to the operations and procedures at issue.

The information and records management functions of the trial courts cannot be performed with efficiency, quality, and cost-effectiveness unless resources for these functions are properly allocated and organized. To this end, in the spring of 1984, a Staffing Profiles Project was begun to develop standards for personnel resource allocation for the performance of information and records management functions. The project began with a statewide survey of court clerks and provides descriptions of present information and records management functional methods and staffing allocations in the Supreme and County Courts, Family Courts, and City and District Courts. In the project's second phase, standards for the performance of back-office functions which recognize both the automated and non-automated environment were developed, and back-office organization charts and "activity tables" describing personnel allocations to all back-office tasks were compiled. Actual back-office staffing profiles were then prepared in 22 upstate trial courts, with several dozen additional large trial courts scheduled for this work in 1986.

Information and records management advisory committees of court clerks guide the development and implementation of particular projects within the information and records management program. A committee is in place for each type of court, and every judicial district is represented on each committee. The specialized New York City courts of limited jurisdiction also are represented.

1.4.10 Jury Management

A program to achieve the greatest possible efficiencies in the utilization of jurors has been underway in the Unified Court System since 1982. In the first year, three counties were selected as pilot sites for the collection and analysis of data on juror utilization. In 1983, the program was expanded to 23 juror assemblyrooms in 12 counties. The program is currently operational in 17 counties representing 87 percent of statewide jury trial activity.

Two principal utilization measures are emphasized. The first is "overcall," defined as the percentage of jurors in service (paid) but not in use in voir dire or trial at the point of peak daily juror usage. The second is "percent to voir dire," defined as the percentage of prospective jurors in service (paid) reporting to the pool who are sent to voir dire. The data from the program show that in 1985, an average of 89 percent of all jurors reporting for service each day were examined as prospective jurors (used in voir dire), a sharp inprovement from the level of 73 percent in 1983. Annual savings in juror fees and per diem expenses under this program since 1983 have totaled over $2 million.

1.4.11 Law Library and Legal Reference Network

The provision of basic legal research capability is essential if the Judiciary is to meet its principal mandates of fair and timely disposition of cases. Over the past several fiscal years, substantial cost increases in the legal reference publishing industry have eroded the ability of the courts and libraries to maintain even basic collections.

Several administrative policies and programs have been implemented to improve conditions within the legal reference system. These include installation of microcomputers in various Supreme Court Law Libraries to serve as inventory and fiscal control tools, negotiation of bulk purchase and special billing arrangements with legal reference publishers, and redistribution of legal reference resources to avoid unnecessary purchasing.

1.4.12 Employee Training Programs

Strong support is being given to development of the first comprehensive training program for nonjudicial employees. Although employees of the Executive Branch have long had the benefit of a thorough training program, Judicial Branch employees have not. Proper education and training of employees is critical to any successful organization. Under this new proposal, which will utilize in-house trainers, all employees will be required to take certain mandatory courses depending on their job function, and additional optional courses will be available.

Table 1
NEW YORK STATE JUDICIAL SYSTEM
Authorized Number of Judges
December 31, 1986

Number of Judges	*Court*
7	Court of Appeals
47[a]	Supreme Court, Appellate Divisions
271[ab]	Supreme Court, Trial Parts
41[a]	Supreme Court, Certified Retired Justices
17	Court of Claims
15[c]	Court of Claims - Judges appointed pursuant to Chapter 603, Laws of 1973, Emergency Dangerous Drug Control Program, as amended by Chapters 500, 501, Laws of 1982.
33	Surrogates' Courts -including 6 Surrogates in the City of New York
67	County Courts -County Judges outside the City of New York, in counties that have separate Surrogates and Family Court Judges
10	County Courts - County Judges who are also Surrogates
7	County Courts - County Judges who are also Family Court Judges
33	County Courts - County Judges who are also Surrogates and Family Court Judges
116	Family Courts - including 42 Family Court Judges in the City of New York
107	Criminal Court of the City of New York
120[d]	Civil Court of the City of New York
49	District Courts - in Nassau and Suffolk Counties
165	City Courts in the 61 Cities outside the City of New York - including Acting and Part-time Judges
1,108	Total
2,327	Total and Village Justice Courts

[a]In addition to the 24 Supreme Court Justices permanently authorized, 19 Justices and 4 Certificated Retired Justices were temporarily designated to the Appellate Division.

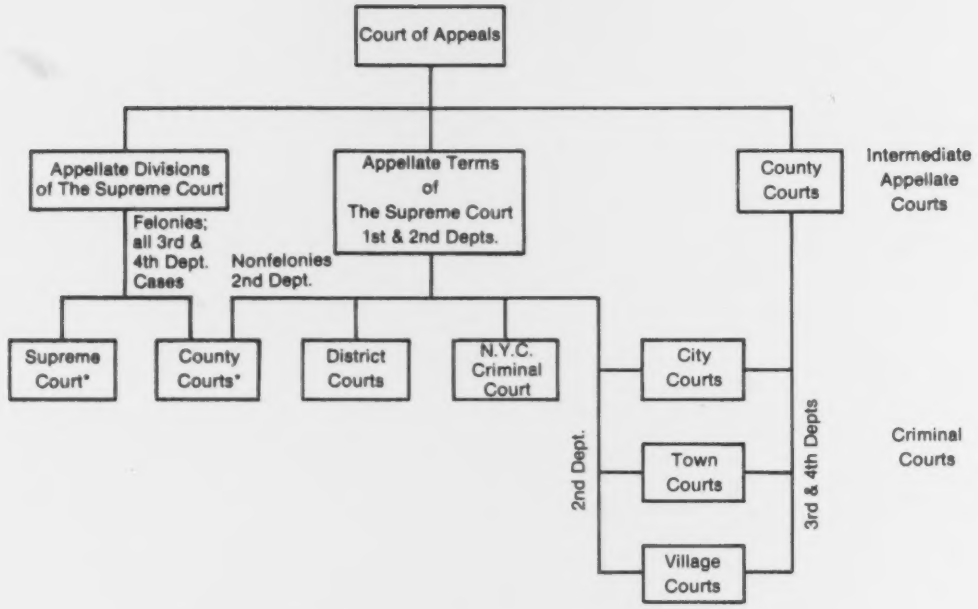
[b]Does not include judges of other courts, especially the Civil and the Criminal Courts of the City of New York, who sat as Acting Supreme Court Justices during the year.

[c]Does not include 23 additional Court of Claims Judgeships authorized by chapter 906, Laws of 1986, which were all filled effective Jan. 1, 1987.

[d]Does not include the additional 11 Civil Court Judgeships authorized by the 1982 Session Laws, Chapter 500, but still not filled.

Figure 1a

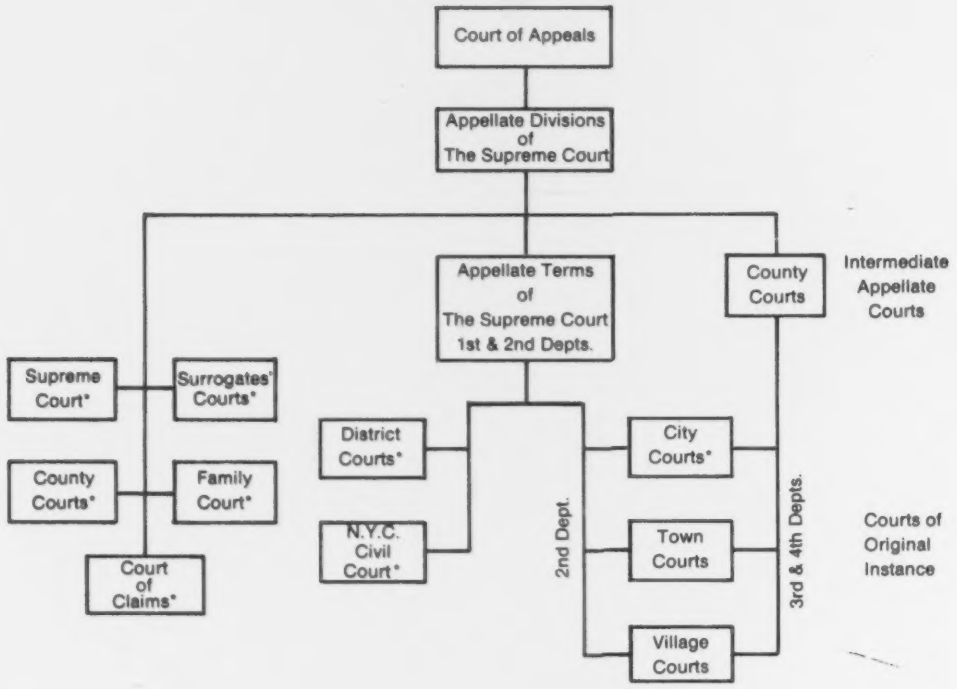
NEW YORK STATE JUDICIAL SYSTEM
Criminal Appeals Structure



*Appeals involving death sentences must be taken directly to the Court of Appeals.

Figure 1b

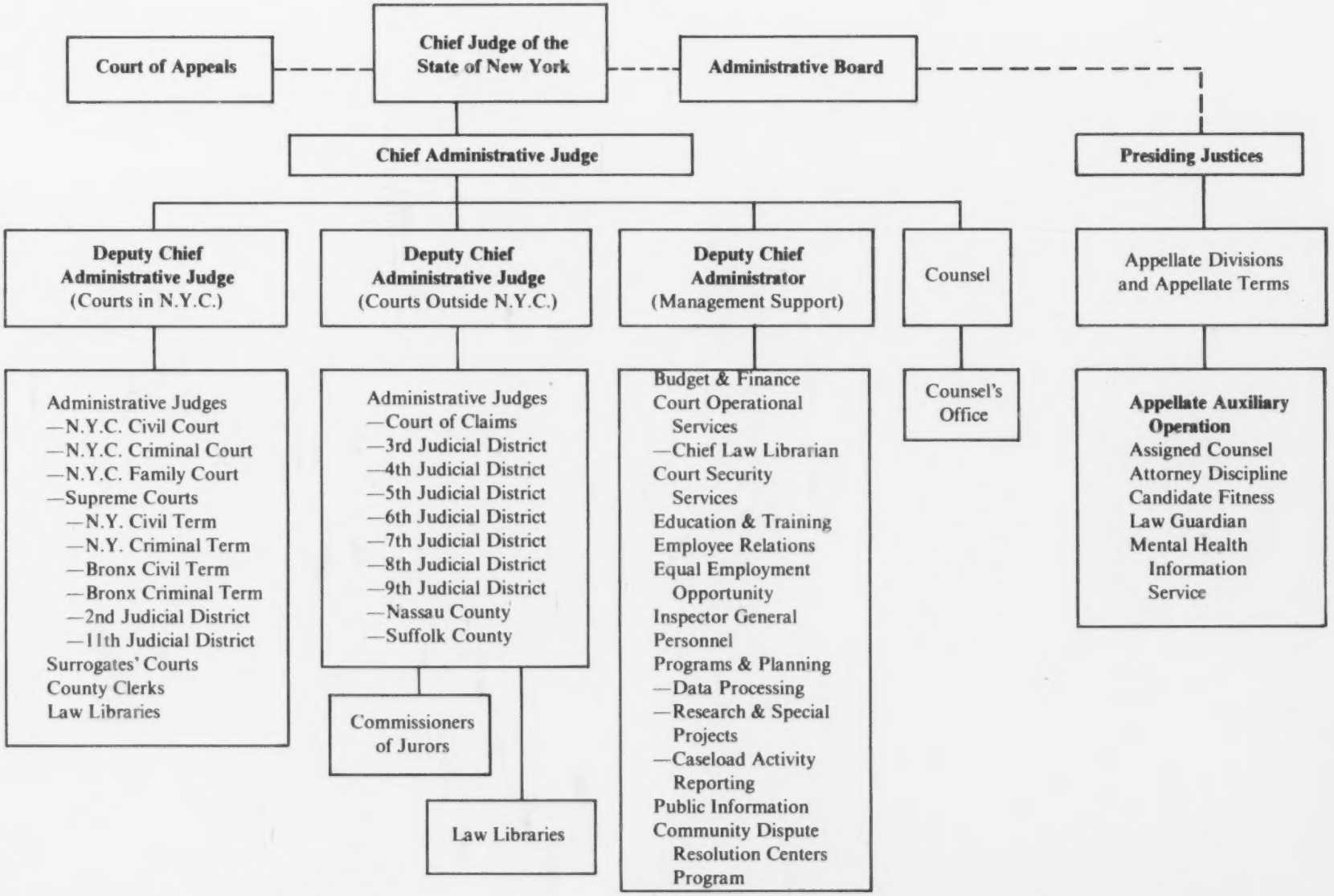
NEW YORK STATE JUDICIAL SYSTEM
Civil Appeals Structure



*Appeals from judgements of courts of record of original instance that finally determine actions where the only question involved is the validity of a statutory provision under the New York State or United States Constitution may be taken directly to the Court of Appeals. Only some of the City Courts are courts of record.

Figure 2

UNIFIED COURT SYSTEM
Administrative Structure



Chapter 2

Caseload Activity Report

2.1 Introduction

There were 3,401,242 filings in the trial courts of the Unified Court System in 1986. These included 629,935 parking tickets; of the 2,771,307 remaining cases, 40% (1,105,278) were filed in criminal courts, 41% (1,123,337) in civil courts, 15% (421,830) in the Family Courts, and 4% (120,862) in the Surrogates' Courts.

Dispostions in the trial courts during 1986 totaled 3,267,694. Excluding parking tickets, there were 2,637,759 dispositions as follows: criminal courts — 40%, civil courts — 37%, Family Courts — 16%, Surrogates' Courts — 7%.

Table 2 shows a breakdown of filings and dispositions in the trial courts by type of court.

2.2 Criminal Cases

Criminal cases are processed in the trial courts as follows: Felony indictments and superior court informations are processed in the Criminal Term of the Supreme Court in New York City and in the County Courts outside of New York City. In several counties outside of New York City, a portion of the felony caseload is processed in the Supreme Court as well. The courts of limited jurisdiction —Criminal Court of the City of New York; District Courts of Nassau and Suffolk; and City, Town, and Village Courts outside of New York City — have original jurisdiction over felonies and complete jurisdiction over misdemeanors, violations, and infractions.

Criminal Term of Supreme and County Courts

Filings: Statewide, 56,356 felony cases were filed in Supreme and County Courts during 1986.[4] This level of filings was an increase of 10% from the 51,036 filings in 1985. Sixty-three percent (35,758) of 1986 filings occurred in New York City.

Table 3 shows a breakdown of 1986 filings by judicial district. The greatest rates of increase were in the 11th (Queens) and 1st (New York) JDs. Filings in the 11th JD rose 28% from 5,752 in 1985 to 7,378 in 1986. Filings in the 1st JD rose 20% from 10,041 to 12,050.

Table 4 focuses on individual counties, ranking the sixteen counties with 400 or more felony-case filings. These sixteen counties accounted for 88% of all filings. New York County had the highest volume, with 12,050 filings. Kings, Queens, and Bronx followed.

Dispositions: Statewide, 55,497 cases reached disposition (guilty plea, trial verdict, dismissal, or other) in 1986, a nine percent increase from the 50,791 dispositions in 1985. Sixty-two percent (34,558) of the statewide dispositions were in New York City.

Table 3 shows 1986 dispositions by judicial district. Dispositions in the 11th JD (Queens) increased 35% from 5,468 in 1985 to 7,391 in 1986. Dispositions in the 7th JD (Monroe and surrounding counties) increased 21% to 2,777 in 1986 from 2,291 in 1985. The 12th JD (Bronx) showed a 13% increase and the 2nd JD (Kings and Richmond counties) showed a 12% increase.

Table 4 shows that sixteen counties with over 400 dispositions accounted for 88% of all felony-case dispositions. Eleven counties with over 40 trials commenced accounted for 89% of felony trials commenced statewide in 1986. Of the total of 5,248 felony trials commenced, 4,334 (83%) were jury trials.

Figure 3 shows felony-case dispositions by type. There were 44,501 guilty pleas (80%), 5,043 dismissals (9%), 4,887 trial verdicts (9%), and 1,066 other dispositions (2%). This breakdown is similar to that of previous years.

Criminal Courts of Limited Jurisdiction

Criminal Court of the City of New York: There were 301,635 arrest-case dockets filed in the Criminal Court of the City of New York in 1986. There were 276,280 dispositions in this period. These figures were increases of 10% in filings and 4% in dispositions compared with 1985.

Of the dispositions, 50% were by guilty plea, 29% by dismissal, 13% by referral to grand jury or transfers to Supreme Court for waiver of indictment, one-half of 1% by verdict, and 7% other dispositions. This distribution is nearly identical to that of 1985.

There were 123,712 summonses added to the calendar. (In addition, 298,595 summonses were filed to which defendants did not respond.) There were 121,057 dispositions.[5]

[1]All data in this chapter are from the Caseload Activity Reporting System of the Unified Court System. Courts report data to the Office of Court Administration pursuant to the Rules of the Chief Administrator of the Courts (22 NYCRR 115).

[2]Parking ticket caseload activity was measured for the first time in 1985.

[3]Excludes Town and Village Courts. An estimated additional two million cases were filed and disposed in these courts in 1986 (data not yet available).

[4]"Cases" are a count of "Defendant-indictments," i.e., each defendent on each indictment counts as one case.

[5]In New York City, most motor-vehicle summonses and summonses for certain violations of enviromental laws are returnable to administrative agencies outside of the Unified Court System.

Table 2
FILINGS AND DISPOSITIONS IN THE TRIAL COURTS
1986

Court	*Filings*	*Dispositions*
CRIMINAL:		
Supreme and County Courts	56,356	55,497
Criminal Court of the City of New York:		
Arrest Cases	301,635	276,280
Summonses	123,712	121,057
City and District Courts outside New York City:		
Arrest Cases	229,065	217,713
Uniform Traffic Tickets	394,531[a]	394,531
Parking Tickets	629,935[a]	629,935
CRIMINAL SUBTOTAL	1,735,234	1,695,013
CIVIL		
Supreme Courts:		
Requests for Judicial Intervention	222,504	108,962
Ex Parte Applications	114,760	114,760
Uncontested Matrimonial Cases	59,407	56,213
Civil Court of the City of New York:		
Civil Actions	36,565	29,434[b]
Civil Actions - Default Judgments	151,453[c]	151,453
Small Claims	57,954	61,972
Landlord/Tenant Summary Proceedings	148,943	141,835
Landlord/Tenant Summary Proceedings — Default Judgments	85,224[c]	85,224
Landlord/Tenant Actions and Special Proceedings	10,708	13,003
City and District Courts outside New York City:		
Civil Actions and Landlord/Tenant Cases	87,234	58,909[b]
Civil Actions and Landlord/Tenant Cases — Default Judgments	78,081[c]	78,081
Small Claims	51,011	50,341
County Courts	3,469	4,403
Court of Claims	2,290	2,172
Arbitration Program	12,899[d]	12,987
Small Claims Assessment Review Program	1,867	1,846
CIVIL SUBTOTAL	1,124,369	971,595
FAMILY	422,014	420,761
SURROGATES	120,862	180,341[e]
TOTAL	3,402,479	3,267,771

[a]The disposition figure is used as intake.

[b]Does not include disposition of the Arbitration Program.

[c]The disposition figure is used as intake. This is the number of cases filed in which there was no answer, but in which a default judgment was entered. These cases were not calendared.

[d]Shown here for reference only and not included in totals. Recorded as intake in the civil courts listed immediately above.

[e]Surrogate's Court dispositions include orders signed, decrees signed, and letters issued.

Table 3
DEFENDANT—INDICTMENTS FILED AND DISPOSED AND TRIALS COMMENCED
By Judicial District
1986

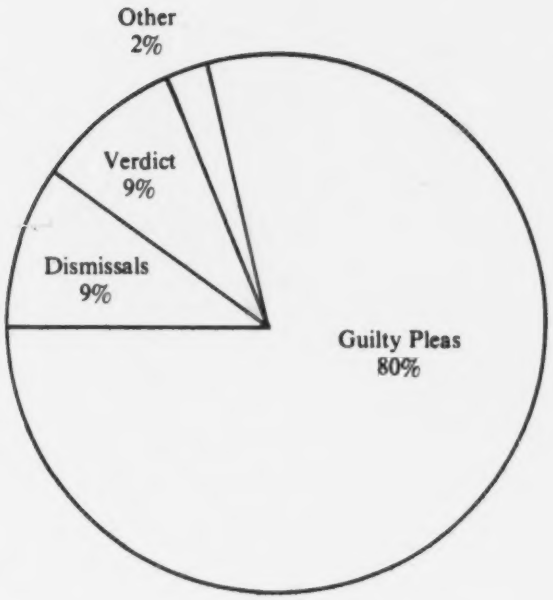
Judicial District	*Filings*	*Dispositions*	*Commenced*
New York City:			
1st	12,050	11,554	1,117
2nd	9,115	7,875	976
11th	7,378	7,391	901
12th	7,215	6,854	629
Subtotal	(35,758)	(34,558)	(3,623)
Outside New York City:			
3rd	1,378	1,382	118
4th	1,315	1,285	90
5th	2,486	2,428	165
6th	1,551	1,561	120
7th	2,583	2,777	326
8th	2,631	2,710	269
9th	2,929	2,811	199
10th-Nassau	2,685	2,624	195
10th-Suffolk	3,040	3,361	143
Subtotal	(20,598)	(20,939)	(1,625)
Statewide Total	56,356	55,497	5,248

Table 4
Defendant-Indictments Filed And Disposed And Trials Commenced[a]
Top Counties By Volume
1986

	County	*Filings*	*County*	*Dispostions*	*County*	*Trials Commenced*
	New York	12,050	New York	11,554	New York	1,117
	Kings	8,633	Kings	8,317	Kings	953
	Queens	7,378	Queens	7,391	Queens	901
Top	Bronx	7.215	Bronx	6,854	Bronx	629
Ten	Suffolk	3,040	Suffolk	3,361	Monroe	256
	Nassau	2,685	Nassau	2,624	Nassau	195
	Westchester	1,460	Monroe	1,650	Erie	183
	Erie	1,445	Erie	1,557	Westchester	145
	Monroe	1,433	Westchester	1,447	Suffolk	143
	Onondaga	1,278	Onondaga	1,305	Onondaga	117
	Subtotal	46,617	Subtotal	46,060	Subtotal	4,639
	(83% of statewide 1986 filings)		(83% of statewide 1986 dispositions)		(88% of statewide 1986 trials commenced)	
	Oneida	602	Oneida	541	Albany	46
	Albany	546	Broome	538		
	Orange	507	Albany	505		
	Broome	494	Orange	458		
	Richmond	482	Richmond	442		
	Rockland	426	Rockland	417		
	Total	49,674	Total	48,961	Total	4,685
	(88% of statewide 1986 filings)		(88% of statewide 1986 dispositions)		(89% of statewide 1986 trials commenced)	

[a]400 or more filings or dispositions, 40 or more trials.

Figure 3
FELONY DISPOSITIONS
By Type Of Dispositions
1986



City and District Courts outside New York City: Criminal-case intake in the City Courts and the Nassau and Suffolk District Courts was 229,044 in 1986. The courts reported 217,713 dispositions. Of the dispositions, 54% were by guilty plea, 35% by dismissal, 6% by referral to grand jury, 2% by trial verdict, and 3% by other means.

There were 394,531 noncriminal (violations and infractions) Uniform Traffic Tickets disposed by judges in these courts. One-third (129,137) were guilty pleas and 2% (7,479) were trial verdicts. The balance were dismissed. In addition, the clerks' office disposed of 142,658 tickets. These consisted primarily of fines paid (by personal appearance and mail) and bail forfeitures. In cities without Parking Violations Bureaus, the City and District Courts process parking tickets. There were 629,935 dispositions.

Figure 4 shows criminal caseload activity in the courts of limited jurisdiction.

Figure 4
CRIMINAL CASES IN TRIAL COURTS OF LIMITED JURISDICTION
1986

Criminal Court of the City of New York

Arrest Cases	
Intake	301,635
Dispositions	276,280

Summonses	
Intake	123,712
Dispositions	121,057

City and District Courts Outside New York City

Criminal Cases	
Intake	229,044
Dispositions	217,713

Motor-Vehicle Cases[a]	
Dispositions	394,531

Parking[a]	
Dispositions	629,935

[a]Intake is not shown because many tickets were filed that did not result in response by the recipients. For the purpose of calculating statewide caseload activity totals, the disposition figure is used as intake.

2.3 Civil Cases

Civil cases are processed in the trial courts as follows: The Supreme Court hears the cases involving damages claimed above the financial limits of the courts of limited jurisdiction and also hears matrimonial, tax certiorari, condemnation, and other specialized cases. The courts of limited jurisdiction are the Civil Court of the City of New York; District Courts of Nassau and Suffolk; County Courts; and Town and Village Courts outside of New York City. These courts hear cases involving damages claimed of $25,000 or less, as well as landlord/tenant, housing code enforcement, and other matters, including cases transferred from Supreme Court pursuant to CPLR Section 325(d). The jurisdiction limit of the City and District Courts outside of New York City is $15,000; the County Courts hear cases involving damages to a maximum of $25,000. Thirty-one counties operate a mandatory Arbitration Program for cases involving $6,000 or less.

The Court of Claims, which is a "specialized" (not a "limited") jurisdiction court, hears civil cases involving claims against the State of New York.

Civil Term of Supreme Court

Filings: Statewide, 221,692 new civil cases were filed in 1986 (not including uncontested matrimonial cases).[6,7] Fifty-one percent (113,875) of the filings were in New York City.

Additions to the civil trial calendars (notes of issue) totaled 57,161 in 1986. Table 5 shows a breakdown by judicial district.

Table 6 shows counties with 500 or more note of issue filings. The seventeen counties in this category accounted for 90% of all new filings. Nassau ranked first with 8,832. New York, Kings, Suffolk, and Queens followed.

Figure 5 shows statewide note of issue filings in Supreme Court by case type. Motor-vehicle cases accounted for 26% of all filings. All torts, including medical malpractice, accounted for 56%. Sixteen percent of filings were contested matrimonials. Contract cases accounted for 11%; 8% were tax certiorari cases.

Dispositions: Statewide, there were 108,962 dispositions in 1986 (not including uncontested matrimonial cases).[8]

Table 5 shows dispositions by judicial district.

As shown in Table 6 the eighteen counties with more than 500 note of issue dispositions accounted for 91% of trial calendar dispositions statewide. Nassau showed the highest volume of dispositions, followed by New York and Kings.

Table 5 shows that 12,307 civil-case trials were commenced in 1986. There were 5,720 jury trials (47%) and 6,587 nonjury trials (53%).

[6] A case is defined as commencing with the filing of a Request for Judicial Intervention (ordinarily filed with the first motion). In addition, 114,760 ex-parte applications were filed.

[7] There were also 59,407 uncontested matrimonial cases filed in the Supreme Court in 1986.

[8] There were an additional 56,273 uncontested matrimonial cases disposed in the Supreme Court in 1986.

Table 5
CIVIL CASES FILED AND DISPOSED AND TRIALS COMMENCED IN SUPREME COURTS[a]
By Judicial District
1985

Judicial District	*Filings*	*Dispositions*	*Trials Commenced*
New York City:			
1st	40,999	16,244	1,612
2nd	35,059	13,484	1,702
11th	24,613	8,801	1,217
12th	13,204	4,110	455
Subtotal	(113,875)	(42,639)	(4,986)
Outside New York City:			
3rd	9,190	4,520	766
4th	6,567	4,720	325
5th	7,316	4,391	945
6th	4,929	3,565	246
7th	7,833	4,771	512
8th	12,007	7,751	447
9th	23,190	15,631	1,271
10th-Nassau	18,737	12,933	1,539
10th-Suffolk	18,048	8,041	1,270
Subtotal	(107,817)	(66,323)	(7,321)
Statewide Total	221,692	108,962	12,307

[a] Excludes uncontested matrimonial cases.

Table 6

NOTES OF ISSUE FILED AND DISPOSED AND TRIALS COMMENCED IN SUPREME COURTS[a,b]

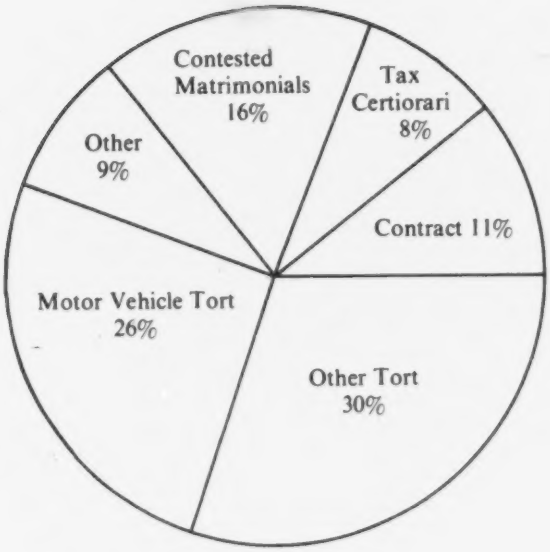
Top Counties By Volume

1986

	County	*Filings*	*County*	*Dispositions*	*County*	*Trials Commenced*
	Nassau	8,832	Nassau	10,251	New York	1,612
	New York	7,159	New York	8,191	Kings	1,609
	Kings	6,606	Kings	8,015	Nassau	1,539
Top	Suffolk	4,914	Suffolk	5,669	Suffolk	1,770
Ten	Queens	4,693	Westchester	5,546	Queens	1,217
	Bronx	3,541	Queens	5,458	Westchester	718
	Westchester	3,312	Erie	3,766	Onondaga	487
	Erie	3,076	Bronx	3,353	Bronx	455
	Monroe	1,709	Monroe	1,717	Albany	449
	Rockland	1,301	Onondaga	1,529	Erie	324
	Subtotal	45,143	Subtotal	53,495	Subtotal	9,680
	(79% of statewide 1986 filings)		(80% of statewide 1986 dispositions)		(79% of statewide 1986 trials commenced)	
	Onondaga	1,293	Orange	1,343	Monroe	269
	Orange	1,146	Albany	1,285	Oneida	265
	Albany	1,132	Richmond	1,172	Orange	233
	Richmond	932	Rockland	1,099	Rockland	184
	Dutchess	845	Dutchess	859		
	Oneida	607	Oneida	691		
	Niagara	512	Schenectady	596		
			Ulster	559		
	Total	57,610	Total	61,099	Total	10,631
	(90% of statewide 1986 filings)		(91% of statewide 1986 dispositions)		(86% of statewide 1986 trials commenced)	

[a] 500 or more filings.
[b] Excludes uncontested matrimonial cases.

Figure 5
NOTES OF ISSUE FILED IN SUPREME COURT
By Case Type[a]
1986



[a] Excludes uncontested matrimonial cases.

Civil Courts of Limited Jurisdiction

Civil Court of the City of New York: In 1986, there were 268,541 civil-action summonses filed. Of that number 36,565 were added to the civil-action calendar. There were 29,434 calendared dispositions. In addition, 151,453 default judgments were entered. (The balance of 80,523 were settled out of court or discontinued before being added to the calendar; they are not counted in intake or disposition totals for the court.) Another 7,660 cases were removed from civil-action calendars for processing in the Arbitration Programs.

A total of 50,791 small claims were filed in 1986. There were 61,107 dispositions.

For landlord/tenant calendars, 354,822 notices of petition were issued in summary proceedings. There were 148,943 summary proceedings added to the calendar and 141,943 disposed. Of the cases not answered, 85,224 default judgments were entered. (The remainder of 120,655 were settled out of court or discontinued before being calendared, and are not counted in intake or disposition totals.)

Other landlord/tenant actions and proceedings consisted primarily of housing code enforcement matters. There were 10,708 additions to the calendar and 13,003 dispositions.

City and District Courts outside New York City: In 1986, 87,234 civil cases and landlord/tenant cases were added to the calendar. There were 58,909 dispositions of calendared cases in this category, excluding transfers to the Arbitration Program. There were 3,790 transfers to the Arbitration Program. In addition, 78,081 default judgments were entered in the clerks' offices.

There were 50,791 small claims instituted and 50,107 disposed.

County Courts: New cases filed in 1986 totaled 3,469. There were 4,403 disposed in 1986.

Court of Claims: Intake totaled 2,290 in 1986. There were 2,172 dispositions.

Arbitration Program: Thirty-one counties operate a mandatory Arbitration Program for cases involving damages claimed of $6,000 or less. Statewide, 12,899 cases were received for arbitration in 1986. There were 12,987 dispositions in 1986, with 1,746 demands for trial *de novo*, a rate of 13%.

See Figure 6 for civil-case activity in the courts of limited jurisdiction. Table 7, following this figure, shows details of the Arbitration Program by county.

Figure 6
CIVIL CASES IN TRIAL COURTS OF LIMITED JURISDICTION
1986

Civil Court of the City of New York

Landlord/Tenant Cases	
Summary Procedings:	
Intake[a]	148,943
Dispositions	141,943
Other Actions and Proceedings:	
Intake	10,708
Dispositions	13,003

Civil Cases	
Intake[b]	36,565
Dispositions[c]	29,434

Small Claims	
Intake	57,954
Dispositions	61,972

City and District Courts Outside New York City

Civil Cases and Landlord/Tenant Cases	
Intake[d]	87,234
Dispositions[e]	58,909

Small Claims	
Intake	50,791
Dispositions	50,107

County Courts

Intake	3,469
Dispositions	4,403

Court of Claims

Intake	2,290
Dispositions	2,172

Aribitration Program

Intake	12,899
Dispositions	12,987

[a] Default judgments were entered in the clerks' offices in an additional 85,224 actions.
[b] Default judgments were entered in the clerks' offices in an additional 151,453 actions.
[c] Does not include 7,660 referrals to Arbitration Program.
[d] Default judgments were entered in the clerks' offices in an additional 78,081 actions.
[e] Does not include 3,790 referrals to Arbitration Program.

Table 7
INTAKE, DISPOSITIONS, AND TRIALS *DE NOVO* IN ARBITRATION PROGRAM
1986

County	*Intake*	*Dispositions*	*Demands for Trial de Novo*	*De Novo Rate*
1st Judicial District:				
New York	3,534	3,338	518	16%
2nd Judicial District:				
Kings	1,619	1,936	500	19%
3rd Judicial District:				
Albany	44	64	5	8%
Rensselaer	23	23	3	13%
Ulster	47	92	0	-0-
4th Judicial District:				
Schenectady	64	48	0	-0-
5th Judicial District:				
Oneida	71	80	2	3%
Onondaga	260	294	26	9%
6th Judicial District:				
Broome	66	53	1	2%
Chemung	13	16	0	-0-
Schuyler	1	4	0	-0-
Tompkins	33	32	7	22%
7th Judicial District:				
Cayuga	10	9	0	-0-
Livingston	14	12	0	-0-
Monroe	708	648	89	14%
Ontario	24	23	0	-0-
Seneca	8	9	1	11%
Steuben	8	9	1	6%
Wayne	12	15	0	-0-
Yates	7	10	0	-0-
8th Judicial District:				
Erie	421	403	31	8%
Niagara	86	74	5	7%
9th Judicial District:				
Dutchess	63	59	0	-0-
Orange	68	79	0	-0-
Putnam	13	13	0	-0-
Rockland	45	49	0	-0-
Westchester	310	328	25	8%
10th Judicial District:				
Nassau	1,794	1,740	43	2%
Suffolk	1,259	1,241	212	17%
11th Judicial District:				
Queens	1,576	1,544	316	20%
12th Judicial District:				
Bronx	686	733	91	12%
Statewide Total	12,899	12,987	1,746	13%

Small Claims Assessment Review Program

New York State law provides that owners of a one-, two-, or three-family owner-occupied residence can appeal their real property assessments. When an individual is not satisfied with the outcome of an appeal to the local Board of Assessment Review, he or she may file a petition for hearing in Supreme Court.

In 1986, there were 1,867 petitions filed and 1,846 dispositions. Table 8 shows data for each judicial district.

Table 8
SMALL CLAIMS ASSESSMENT REVIEW FILINGS AND DISPOSITIONS BY JUDICIAL DISTRICT
1986

Judicial District	*Filings*	*Dispositions*
New York City:		
1st	5	0
2nd	19	21
11th	13	7
12th	1	5
Subtotal	(38)	(33)
Outside New York City:		
3rd	210	212
4th	120	123
5th	229	229
6th	75	74
7th	119	127
8th	435	457
9th	192	225
10th	449	366
Subtotal	(1,829)	(1,813)
Statewide Total	1,867	1,846

2.4 Family Court

The Family Courts reported 421,830 petitions filed in 1986. Of these petitions, 124,590 (30%) were reported in New York City. The remaining 297,240 (70%) were reported outside of New York City. One-third of the statewide filings were supplementary to original petitions.[9]

There were 420,851 petitions disposed in 1986. The total in New York City was 125,904 (30%); outside of New York City, the total was 294,947 (70%).

A breakdown of filings and dispositions is contained in Table 9.

New York State law requires the Chief Administrator of the Courts to report to the State Legislature highly detailed data regarding the nature and outcome of petitions for juvenile delinquency, persons in need of supervision, child protective proceedings, and family offense proceedings. The data are in Appendix 2.

[9]Supplementary petitions allege violations of the original order or are applications for modifications to the original order.

2.5 Surrogates' Courts

In 1986, there were 120,862 petitions filed. Surrogates' Court dispositions in 1986 totaled 180,341 including orders signed, decrees signed, and letters issued. See Table 10.

2.6 Appellate Courts

Tables 11, 12, 13, and 14 show 1986 caseload activity in the appellate courts.

Table 9
PETITIONS FILED AND DISPOSED IN FAMILY COURT STATEWIDE
By Type of Petition
1986

Type of Petition	*Filings*	*Dispositions*[a]
Permanent Neglect	1,745	1,765
Child Protective (Neglect and Abuse)	18,079	17,089
Juvenile Delinquency	13,315	14,221
Designated Felony	551	677
Persons in Need of Supervision	10,782	11,597
Adoption	3,813	3,235
Guardianship	390	311
Supreme Court Referral	928	1,266
Custody of Minors	34,310	31,216
Foster Care Review	3,934	4,375
Approval of Foster Care Placement	4,593	4,831
Physically Handicapped	41,853	44,053
Mental Defective	212	57
Family Offense	45,542	45,478
Paternity	38,415	41,387
Support	40,578	45,327
Uniform Support of Dependents Law	20,477	20,396
Consent to Marry	379	302
Other	1,446	1,884
Supplementary	140,488	131,384
Total	421,830	420,851

[a] Petition type may change between filing and disposition.

Table 10
CASELOAD ACTIVITY IN SURROGATES' COURTS STATEWIDE
1986

Name of Proceedings By Case Type	Petitions Filed	Citations (Return-able)	Motions Ord. To Show Cause Filed	Guard Ad Litem Appt'd.	Answers Objec-tions Filed	Bonds Filed	Bonds Dis-pensed with	Trial Notes of Issue Filed	Orders Signed	Decrees Signed	Letters Issued	Misc.
Probate	40,715	11,960	734	3,296	633	915	10,481	108	16,021	38,110	41,041	9,128
Administration	13,896	1,854	129	173	134	3,241	5,071	12	2,604	10,289	12,024	2,225
Accountings	6,821											
Informal Accts	(8,640)	5,470	405	1,465	558	83	1,868	68	3,715	5,813		33,513
Miscellaneous	7,078	1,827	1,258	354	302	248	786	51	6,104	1,644		1,676
Guardianship	14,331	1,492	98	367	40	81	2,858	1	7,653	7,492	7,358	615
Adoption	2,553	751	43	234	23			88	3,978		1,485	464
Estate Tax	14,739		243		2			168	15,010			2,261
Total	108,773	23,354	2,910	5,869	1,692	4,568	21,064	496	55,085	63,348	61,908	49,882

Surrogate and Law Department:	
Number of Hearings Commenced by Surrogate	8,157
Number of Trials Commenced by Surrogate	1,150
Number of Conferences and Hearings	43,385
Number of Conferences on Legal Matters Commenced by Chief Clerk and Deputy Chief Clerk	50,926
Number of Examinations Held	3,036
Number of Written Decisions	13,356
Number of Opinions and Memoranda Issued	10,934
Small Estates:	
Number of Affidavits Filed	12,089
Number of Answers/Objections Filed	85
Number of Accountings Filed	3,218
Other:	
Number of Certificates Issued	493,169
Number of Annual Guardianship Accountings	27,691
Number of Wills Filed for Safekeeping	11,897
Number of Files Requisitioned	512,496
Number of Pages Certified	121,635
Number of Exemplifications	2,551
Number of Searches Completed	10,641
Number of Witnesses Examined by Clerk	6,637

Table 11
CASELOAD ACTIVITY IN THE COURT OF APPEALS
1986

Applications Decided (CPL 460.20 (3-b))	2,508
Records on Appeal Filed	469
Oral Arguments	485
Motions Decided	1,389
Appeals Decided	494

Table 12
DISPOSITIONS OF APPEALS DECIDED IN THE COURT OF APPEALS
By Basis of Jurisdiction
1986

Basis of Jurisdiction	*Affirmed*	*Reversed*	*Modified*	*Dismissed*	*Other*	*Total*
All Cases:						
Reversal, Modification, Dissent in Appellate Division	111	35	7	7	0	160
Permission of Court of Appeals or Judge thereof	101	85	17	2	0	205
Permission of Appellate Division or Justice thereof	50	23	7	8	0	88
Constitutional Question	6	1	0	3	0	10
Other	16	4	1	0	10	31
Total	284	148	32	20	10	494
Civil Cases:						
Reversal, Modification, Dissent in Appellate Division	111	35	7	7	0	160
Permission of Court of Appeals or Judge thereof	47	43	11	0	0	101
Permission of Appellate Division or Justice thereof	28	16	6	0	0	50
Constitutional Question	6	1	0	3	0	10
Other	15	3	1	0	10	29
Total	207	98	25	10	10	350
Criminal Cases:						
Reversal, Modification, Dissent in Appellate Division	0	0	0	0	0	0
Permission of Court of Appeals or Judge thereof	54	42	6	2	0	104
Permission of Appellate Division or Justice thereof	22	7	1	8	0	38
Constitutional Question	0	0	0	0	0	0
Other	1	1	0	0	0	2
Total	77	50	7	10	0	144

Table 13
CASELOAD ACTIVITY IN THE APPELLATE DIVISIONS
1986

Activity	*First Department*	*Second Department*	*Third Department*	*Fourth Department*	*Total*
Records on Appeal Filed	3,549	3,989	1,405	1,116	10,059
Motions Decided	6,335	10,188	3,676	2,721	22,920
Oral Arguments	1,631	2,031	948	1,000	5,610
Appeals Decided:[a]					
Affirmed	2,724	3,024	1,130	884	7,762
Reversed, New Trial	307	607	212	232	1,358
Modified	247	393	146	123	909
Dismissed[b]	162	343	39	40	584
Other	297	2	56	48	403
Total	3,737	4,369	1,583	1,327	11,016
Admissions to Bar:					
Men	1,161	1,631	772	276	3,840
Women	806	975	338	163	2,282
Attorney Disciplinary Proceedings:					
Charges Dismissed	0	0	0	2	2
Censures	2	1	5	0	8
Suspensions	19	16	8	7	50
Struck from Roll (Incl. Disbarments)	15	19	4	6	44
Reinstatements	3	2	2	2	9
Total	39	38	19	17	113

[a] Includes Art. 78 CPLR and original proceedings.

[b] Includes appeals dismissed or withdrawn before arguments or submission.

Table 14
CASELOAD ACTIVITY IN THE APPELLATE TERMS
1986

Activity	*First Department*	*Second Department*	*Total*
Source of Appeals Received:			
County Courts	0	13	13
Civil Court of the City of New York	687	382	1,069
Criminal Court of the City of New York	67	220	287
District Courts	0	555	555
Courts in Cities Outside New York City	0	144	144
Town and Village Courts	0	314	314
Total	754	1,628	2,382
Motions Heard or Submitted	1,770	2,604	4,374
Dispositions of Appeals:			
Discontinued	38	7	45
Dismissed on Calendar Call under Rule 3 or 8 (Civil)	20	384	404
Dismissed on Calendar Call under CPL 460.70 (Criminal)	0	81	81
Remitted	3	0	3
Decided after Argument or Submission	539	654	1,193
Total	600	1,126	1,726
Decisions Rendered after Argument:			
Affirmed	283	305	588
Reversed	137	235	372
Modified	98	70	168
Dismissed, Discontinued, Withdrawn, or Remanded	21	44	65
Total	539	654	1,193
Opinions Filed	7	0	7
Per Curiam Opinions	307	639	946
Memoranda Written, Not Filed	232	0	232

2.7 Community Dispute Resolution Centers Program

Chapter 847 of the Laws of 1981 created the Community Dispute Resolution Centers Program. These centers have provided an alternative to court for the resolution of criminal and civil disputes.

Case intake in each center includes walk-in clients and referrals from courts and other agencies. Dispositions include cases conciliated without mediation, cases mediated, and cases arbitrated. Certain cases are determined to be inappropriate for mediation and are referred to other agencies.

In 1986, there were 91,585 cases received and 20,179 dispositions. Table 15 shows the breakdown of intake and dispositions for each center.[10]

[10]The program publishes an annual report with full details of caseload activity.

Table 15
COMMUNITY DISPUTE RESOLUTION CENTERS PROGRAM
Intake and Dispositions
1986

Program	*Intake*	*Dispositions*			
		Conciliations	*Mediations*	*Arbitrations*	*Total*
Albany Mediation Program	793	15	296	0	311
Allegany: Dispute Settlement Center	297	19	11	2	32
Broome: ACCORD	1,693	109	170	0	279
Cattaraugus: Dispute Stlmt. Center	1,022	75	69	7	151
Chautauqua: Dispute Stlmt. Center	1,064	131	113	10	154
Chemung: Neighborhood Justice Project	3,942	779	171	3	953
Columbia: Common Ground	760	33	76	0	106
Cortland County - RESOLVE	0	0	0	0	0
Delaware Co. Dispute Resolution Center	59	17	4	0	21
Dutchess: Comm. Dispute Res. Center	800	39	238	0	277
Erie: Dispute Settlement Center	3,204	615	574	61	1,250
Franklin: Center for Conflict Res.	36	5	18	0	23
Fulton/Montgomery/Schoharie Counties	215	15	62	0	77
Genesse Dispute Settlement Center	208	16	9	2	27
Greene: Comm. Dispute Res. Center	364	1	18	0	19
Herkimer	303	24	6	0	30
Jefferson: Comm. Dispute Res. Center	204	56	30	0	86
Lewis County Mediation Service	93	35	5	0	40
Livingston: Center for Dispute Stlmt.	2,301	14	41	0	55
Madison: RESOLVE	0	0	0	0	0
Monroe: Center for Dispute Stlmt., Inc.	3,786	48	220	38	306
Nassau: Community Dispute Center	1,920	2	100	17	119
Nassau: Mediation Alternative Project	282	65	61	0	126
Niagara: Dispute Settlement Center	619	91	63	10	164
NY & Bronx: IMCR Dispute Res. Center	18,282	475	3,784	390	4,649
Kings & Queens: Victim Services Agency	16,808	289	5,461	0	5,750
Richmond: St. Is. Comm. Dispute Res. Center	5,404	402	435	0	837
NY: Washington Heights-Inwood Coalition	2,685	82	209	0	291
Oneida: Comm. Dispute Res. Program	2,078	244	182	84	510
Onondaga: Resolve-A Center for Dispute Settlement, Inc.	1,430	160	123	0	283
Onondaga: Volunteer Center, Inc.	2,925	55	251	0	306
Ontario: Center for Dispute Stlmt.	2,694	5	75	3	83
Orange Co. Mediation Project	1,231	61	172	0	233
Orleans Dispute Settlement Center	42	0	0	0	0
Oswego: Resolve, Comm. Dispute Settlment	405	58	41	0	99
Otsego: Agree, Comm. Dispute Settlement	386	53	28	0	81
Putnam Co. Mediation Program	81	0	5	0	5
Rensselaer: Comm. Dispute Stlmt. Program	212	30	36	0	66
Rockland: Volunteer Mediation Center	328	8	95	0	103
Saratoga: Dispute Settlement Program	304	21	50	0	71
Schenectady: Comm. Dispute Stlmt. Program	536	76	52	1	129
Schuyler: Neighborhood Justice Project	223	52	27	0	79
Seneca: Center for Dispute Stlmt.	645	2	11	4	17
Steuben: Neighborhood Justice Project	1,685	206	29	0	235
St. Lawrence: Center for Conflict Res.	131	71	16	0	87
Suffolk: Comm. Mediation Center, Inc.	2,772	107	492	0	599
Sullivan: Med. Srvcs. of Sullivan Co.	164	43	56	0	99
Tioga: ACCORD	907	71	98	0	169
Tompkins: Comm. Dispute Res. Center	559	61	77	0	138
Ulster: Mediation Srvcs. of Ulster Co.	356	56	94	0	141
Wayne: Center for Dispute Stlmt.	2,144	4	84	15	103
Westchester Co. Mediation Center	101	47	197	0	244
Wyoming: Dispute Settlement Center	1,727	5	11	2	18
Yates: Center for Dispute Stlmt.	375	3	6	1	10
Total	91,585	4,951	14,552	650	20,179

2.8 Standards and Goals

Since 1975, Standards and Goals of the Chief Administrator of the Court have provided performance measures for the courts for elapsed time to disposition for felony cases in the Supreme and County Courts, civil cases in the Supreme Courts, and for proceedings in the Family Courts.[11]

Felony Cases: The applicable standard is disposition within six months from filing of indictment, excluding periods when a case is not within the active management control of the court (e.g., warrant outstanding).

[11]See "Standards and Goals," memorandum of the Chief Administrator of the Courts of 2/28/79, containing revisions approved by the Administrative Board of the Courts on 1/25/79 to the Standards and Goals adopted in 1975.

During 1986, 81% of felony case dispositions statewide were achieved within the six-month standard.

Civil Cases: The standard is disposition within fifteen months from the filing of a note of issue. During 1986, 80% of civil case dispositions statewide were achieved within this standard.

Family Court: The standard is case disposition within 180 days of the commencement of a proceeding, excluding periods when a case is not within the active management control of the court (e.g., warrant outstanding). During 1986, 98% of all dispositions were reached within the standard.

Chapter 3

Education and Training Programs

Since 1962, over 33,000 judges and justices of New York State have attended seminars and training programs conducted by the Office of Court Administration. In 1986, total attendance at OCA-sponsored judicial programs reached 3,099, including 2,179 at town and village programs. In the area of nonjudicial training, 546 persons attended programs sponsored or financed by OCA in 1986.

3.1 Judicial Programs for State-Paid Judges

3.1.1 1986 Judicial Seminars

August 11 to 15, 1986
August 18 to 22, 1986
Syracuse, New York

The 1986 summer judicial seminars were conducted at the Syracuse University Law School. Two similar week-long sessions were held for judges of all levels of State-paid trial courts. More than 800 judges attended.

3.1.1.1 Program and Activities

As in prior years, Curriculum Development Committees met to determine course content and to select faculty in six areas of subject matter: evidence; civil law and procedure; criminal law and procedure; family law and procedure; Surrogates' matters; and judicial skills. With the exception of four representatives from the academic world, the Committees were made up entirely of State-paid judges.

The Committees devised a program of courses which were offered during the sessions. At any one time, the attending judges could select from among any of the four to five half-day courses conducted during each seminar period. The availability of options during each seminar period again proved to be one of the most attractive aspects of the sessions — judges could select their own curricula during the week, tailored to their own interests and needs.

Another benefit of the sessions was that they provided an otherwise unavailable opportunity for judges of different jurisdictions to meet and share experiences and viewpoints.

The faculty for these seminars was again made up largely of judges from New York who accepted the task of developing their topics and planning their courses and presentations as an addition to their normal judicial duties. Law professors, former judges, practicing lawyers, and professionals from other disciplines also added their talents to the faculty.

In addition to the twenty-four seminars conducted during the seminar periods, judges participated in additional educational opportunities each week:

— Judges visited the Auburn Correctional Facility.

— Other judges toured the Division of Youth's detention facility in Syracuse.

— Thirty to thirty-five judges were videotaped each week in mock courtroom situations and then met with a communications expert to review their judicial "style".

— All judges participated in a plenary session devoted to Courtroom Dynamics: Women and Justice.

The Unified Court System again thanks the members of the faculty and the Curriculum Development Committees for their contributions to the Judicial Seminars.

3.1.1.2 Curriculum Development Committees

Civil Law and Procedure

Honorable Maxine K. Duberstein
Honorable William L. Ford
Honorable Ira Gammerman
Professor Emeritus Milton Gershenson
Honorable Edward J. Greenfield
Honorable Robert A. Harlem
Honorable Irving Kirschenbaum
Honorable Harold E. Koreman
Honorable John C. Marbach
Honorable William P. McCooe
Professor David D. Siegel
Honorable Arthur D. Spatt
Honorable Andrew R. Tyler
Honorable William A. Walsh, Jr.
Honorable Robert E. White

Criminal Law and Procedure

Honorable Carol Berkman
Honorable Alain M. Bourgeois
Honorable John P. Collins
Honorable D. Bruce Crew, III
Honorable Theodore Dachenhausen, Jr.
Honorable Lewis L. Douglass
Honorable Walter T. Gorman
Honorable Samuel L. Green
Honorable Joseph Harris
Honorable Michael R. Juviler
Honorable Peter J. McQuillan
Honorable Lorraine S. Miller
Honorable Burton B. Roberts
Honorable Ernst H. Rosenberger
Honorable Seymour Rotker
Honorable Marie G. Santagata

Evidence

Honorable Alan Broomer
Honorable Matthew F. Coppola

Honorable Theodore S. Kasler
Honorable J. Robert Lynch
Honorable John A. Monteleone
Honorable Richard Lee Price
Dean Emeritus Jerome Prince
Honorable Albert M. Rosenblatt
Honorable Leonard H. Sandler
Honorable Andrew V. Siracuse
Honorable Thomas M. Stark
Honorable Rena K. Uviller

Family Law and Procedure

Honorable Authur J. Abrams
Honorable Gene L. Catena
Honorable Paul E. Cheeseman
Honorable Pearl B. Corrado
Honorable Leon Deutsch
Honorable Charles F. Graney
Honorable Mary Ann Killeen
Honorable Edward J. McLaughlin
Honorable Kathryn McDonald
Honorable M. Holt Meyer
Honorable Adrienne H. Scancarelli
Honorable Jack Turret
Honorable Charles L. Willis
Honorable Ruth Jane Zuckerman

Judicial Skills

Honorable J. Raymond Amyot
Honorable George L. Cobb
Honorable Dennis Edwards, Jr.
Honorable Harold L. Galloway
Honorable David T. Gibbons
Honorable Nat Hentel
Honorable Abraham Isseks
Honorable Theodore A. Kelly
Honorable Sybil Hart Kooper
Honorable Richard F. Kuhnen
Honorable Leon D. Lazer
Honorable William J. Ostrowski
Honorable Harold J. Rothwax
Honorable Richard W. Wallach

Surrogates' Matters

Professor Joseph T. Arenson
(Faculty Coordinator)
Honorable Evans V. Brewster
Honorable Willard W. Cass, Jr.
Honorable Bertram R. Gelfand
Honorable Irving Goldman
Honorable Edward M. Horey
Honorable Louis D. Laurino
Honorable C. Raymond Radigan
Honorable Bernard L. Reagan

3.1.1.3 Seminar Topics

Courtroom Dynamics: Women & Justice
Voluntary Placement and Foster Care Review
Selected Issues in Criminal Law
Recent Development in Civil Substantive Law
The Trial of a Breathalyzer Driving While Intoxicated Case
Interesting and Unusual Legal Problems in the Estate of J. Seward Johnson, Deceased
Affirmative Defenses in Criminal Cases
Condominiums, Homeowners Associations, and Cooperatives
Memory Techniques for Trial Judges
The New Uniform Rules for Surrogate's Court: A Critique
Laying Groundwork for Permanency
Corroboration and Validation in Child Sex Abuse Cases in Family Court
Civil IAS Workshop
Criminal IAS Workshop
Equitable Distribution
Selected Problems in the Law of Evidence
How to Handle an Estate from the Beginning
Domestic Violence Issues — Not for Family Court Judges Only
Criminal Procedure in Local Criminal Courts
Litigation in the Surrogate's Court
Issues in Child Support
Update on Civil Procedure
Effect of the New Tax Laws on Trusts, Estates, and Income

3.1.1.4 Faculty

Honorable Morris Aarons
Honorable Herbert I. Altman
Honorable Myriam J. Altman
John Aponte
Professor Joseph T. Arenson
Judith Ashton
Honorable Jeffrey M. Atlas
Honorable Raymond C. Baratta
Associate Dean Robert A. Barker
Honorable Joseph W. Bellacosa
Honorable Carol Berkman
Honorable Arthur E. Blyn
Honorable David O. Boehm
Nancy L. Borko, Esq.
Assistant Professor Gregory Bostwick
Barbara B. Bunker
Anne S. Clavel, Esq.
Honorable George L. Cobb
Flora Colao
Honorable John P. Collins
Honorable Edward S. Conway
Honorable Donald J. Corbett, Jr.
Mary Jane Cotter
Honorable Wallace R. Cotton
Honorable George D. Covington
Raymond F. Crapo
Honorable D. Bruce Crew, III
S. Gerald Davidson, Esq.
John Dee, Esq.
Honorable Leon Deutsch
Honorable Michael J. Dontzin
Honorable Maxine K. Duberstein
Janice W. Eddy
Joan L. Ellenbogen, Esq.
Honorable Betty Weinberg Ellerin
Honorable John J. Elliott
Myrna Felder, Esq.
Penny Ferrer
Honorable Marjorie D. Fields
Peter W. Forsyth, Esq.

Samuel G. Fredman, Esq.
Honorable Helen E. Freedman
Honorable Betty D. Friedlander
Honorable Jeffry H. Gallet
Judith Gallo
Honorable Ira Gammerman
Louise Gruner Gans, Esq.
Christine Gartner, Esq.
Professor Emeritus Milton G. Gershenson
Peter Gerstenzang, Esq.
Honorable Walter T. Gorman
Honorable Charles F. Graney
Bill Gregory
Honorable Gerald S. Held
Honorable Angelo . Ingrassia
Harvey S. Jacobs, Esq.
Nancy Jacobs, Esq.
Honorable John M. Keane
Sidney Kess, Esq.
Dolores Knuton
Honorable Gabriel M. Krausman
Honorable Marie M. Lambert
Hortense R. Landau, Esq.
Honorable Irving Lang
Susan Larabee, Esq.
Honorable Louis D. Laurino
Honorable Alfred D. Lerner
Maryjane Link
Janet Loflin
Honorable Frederick M. Marshall
Honorable William P. McCooe
Honorable Kathryn A. McDonald
Frederick K. Mehlman, Esq.
Honorable Bernard S. Meyer
Honorable Millart L. Midonick
Honorable Patrick D. Monserrate
Michael Neff, Esq.
Honorable Karen K. Peters
William Philips
Honorable Elizabeth W. Pine
Philip C. Pinsky, Esq.
Robert M. Pitler, Esq.
Dean Emeritus Jerome Prince
Honorable C. Raymond Radigan
Honorable Bernard L. Reagan
Honorable Albert M. Rosenblatt
Alvin Rosenfeld, M.D.
Honorable Seymour Rotker
Honorable Israel Rubin
Eugene W. Salisbury, Esq.
Honorable Marie G. Santagata
Honorable David B. Saxe
Honorable Adrienne Hofmann Scancarelli
Honorable Walter M. Schackman
Professor Alan D. Scheinkman
Sanford J. Schlesinger, Esq.
Mary Jane Sclafani, Esq.
Charles Seashore
Steven R. Shaprio, Esq.
Honorable Judith Blum Sheindlin
Minna Shulman
Professor David D. Siegel
Honorable Leslie Crocker Snyder
Honorable Joyce L. Sparrow
Honorable Arthur D. Spatt
Honorable Thomas M. Stark
Honorable Donald J. Sullivan
Honorable Joseph P. Sullivan
Alan J. Tuckman, M.D.
Honorable Rena K. Uviller
Alice T. Vachss, Esq.
Yvonne Valle
Stephanie Wacholder
Honorable Robert H. Wagner
William Warren, Esq.
Philip A. Weinstein, Esq.
Honorable Robert C. Williams
Honorable Donald J. Wisner

3.1.2 Family Court Hearing Examiner Seminars

July 14 to 16, 1986, July 16 to 18, 1986, July 21 to 23, 1986

A total of seventy Family Court Hearing Examiners attended one of three similar programs held at West Point. Courses included decision writing, appropriate orders, a panel discussion of practical problems in New York child support enforcement, and mock hearings.

3.1.3 Orientation Seminar for New Judges

December 1 to 5, 1986

The annual Orientation Program for Newly-Elected and Newly-Appointed Judges was held on December 1-5, 1986 in Manhattan. Thirty-five new judges attended this week-long program, which consisted of lectures on gender bias, evidence, the trial judge's role, the New York State Employees Retirement System, criminal procedure, the Bench Book for Trial Judges, civil law and procedure, the administration of jurors, the role of the court reporter, inter-court relations and administrative structure, substantive criminal law, pattern jury instructions, judicial conduct, courts and the community and public perceptions, equitable distribution and a special session for new City, District, and New York City Criminal Court Judges.

3.1.4. Seminar for Appellate Term Justices

The first education program for Appellate Term Justices in the State of New York was sponsored by the Office of Court Administration under the direction of Chief Judge Sol Wachtler, Chief Administrative Judge Joseph W. Bellacosa and Presiding Justices Francis T. Murphy and Milton Mollen of the Appellate Divisions, First and Second Department.

Justice Edwin Kassoff, Presiding Justice of the Appellate Term, Second and Eleventh Judicial Districts, was the seminar coordinator. This two day continuing legal education program for the fifteen Appellate Term Justices in the State of New York had as its speakers, Chief Administrative Judge Joseph W. Bellacosa, Presiding Justice Milton Mollen of the Appellate Division, Second Department, Chief Judge Edward D. Re of the U.S. Court of International Trade, Justice Richard A. Brown, Appellate Division, Second Department, Justice Joseph P. Sullivan, Appellate Division, First Department, Professor David D. Siegel, St. John's Law School, Dean Patrick T. Rohan, St. John's Law School, and Attorneys A. Thomas Levin,

Eugene J. Morris, Peter Gerstenzang and Herbert M. Goldstein.

3.1.5 Other Judicial Programs

In addition to the programs described above, various courts, districts, and judicial departments conducted educational sessions for their sitting judges and orientation programs for their new judges in 1986. Judicial associations, at their annual meetings, also provided substantial educational programs for their members.

3.2. Town and Village Justice Training Programs

There are approximately 2300 Town and Village Justice positions in New York State. Because of vacancies and because some judges hold more than one position, approximately 2050 individuals hold the office of Town or Village Justice. Roughly eighty percent of these are not admitted to practice law in the State. New justices who are not attorneys are required to successfully complete a six-day basic certification course covering the fundamentals of law and their responsibilities as judges. The basic course was presented once in Canton and twice each in Albany, Syracuse and Buffalo in 1986. A total of 111 judges attended.

Since 1984, all Town and Village Justices must attend an advanced continuing judicial education program each year. In addition to the attendance requirement, all non-lawyer Town and Village Justices must pass an examination at the program.

The advanced course consists of two days of instruction covering selected legal topics. The curriculum in 1986 included suppression hearings, felony hearings, discovery, the enforcement of civil judgments, contempt of court, criminal disposition reporting and new legislation.

In order to maintain the accessibility of the advanced course to the justices, programs were held in 30 locations around the state.

Nearly 115 judges, attorneys, and administrative personnel enlisted to act as faculty and to administer the schedule. Faculty were trained in two sessions conducted in Syracuse. Judges earned advanced certification for 2,068 judicial positions.

The Unified Court System is grateful to all of those who provided their time, energy and skill in successfully establishing and implementing this program, and particularly to the senior faculty members, the Honorable Eugene W. Salisbury, the Honorable Duncan S. MacAffer, and the Honorable John J. Elliott, for their efforts in training the faculty as well as for their continuing coordination of the basic course, and to County Court Judge Kenneth Lange for his assistance in the filming and editing of videotapes to supplement the presentations.

Thanks are also due to the following individuals for instructing at and administering the 1986 advanced courses.

Hon. Howard W. Aison
Anthony F. Aloi, Esq.
Hon. John J. Ark
Hon. Stephen D. Aronson
Hon. John Austin
Hon. William Bacas
Ms. Allison Barnes
Hon. Joseph L. Belvedere
Hon. Philip A. Berke
Hon. Sherwood L. Bestry
Michael J. Brown, Esq.
Ms. Carolyn Burke
Hon. William J. Burke
Hon. Helen Burnham
Ms. Patricia A. Caravella
Hon. Samuel J. Castellino
Hon. Luke M. Charde, Jr.
Ms. Bonnie Coburn
Hon. Robert W. Coutant
Mr. Kenneth Coville
Hon. William A. Danaher, Jr.
Biagio DiStefano, Esq.
Ms. Louise Dobozin
Hon. Kevin Dowd
James K. Eby, Esq.
Hon. Robert Estes
Richard Farina, Esq.
Mr. Richard Felts
Hon. Stephen A. Ferradino
Joseph E. Fox, Jr., Esq.
Hon. John Frucco
Hon. Kathleen Fuller
Hon. Charles P. Garvey
Donald R. Gerace, Esq.
Hon. Robert N. Going
Hon. Thomas E. Goldman
Hon. Harold D. Gordon
Mr. Terry Gordon
Mr. Albert Graham
Hon. James C. Harberson
Lawrence D. Hassler, Esq.
Gerald U. Hayes, Esq.
Hon. Shirley B. Herder
Mr. Ralph Hesson
Ms. Kathleen Hettrick
John Hilgeman, Esq.
Ms. Irene Tracey Holland
Ms. Dorothy Hughes
Hon. Robert G. Hurlbutt
Hon. Irad S. Ingraham
Hon. Angelo J. Ingrassia
Hon. William H. Intemann, Jr.
Hon. L. Foster James
Steven R. Jones, Esq.
Hon. Anthony J. Kane
Hon. Robert Kelly
Hon. Mardis F. Kelsen
Ms. Sybil E. Kennedy
Hon. George S. Kepner, Jr.
Hon. John R. King
Hon. Frank M. Klinger
Hon. John A. Leary
Mark D. Levitt, Esq.
Ms. Karen Longwell
Hon. John E. Loveless
Hon. Duncan S. MacAffer
Michael McCartney, Esq.
William J. McCluskey, Esq.
David F. Mix, Esq.

Hon. Patrick D. Monserrate
Hon. James E. Morris
Martin Muehe, Esq.
Hon. Carl J. Mugglin
Hon. Charles J. Mullen
Ms. Colleen G. Murphy
John C. Murrett, Esq.
Thomas O'Neil, Esq.
Mr. Michael Orenstein
Robert Ottaviano, Esq.
Hon. Richard M. Parker
Roger Prehn, Esq.
Susan Quine, Esq.
Hon. Herbert B. Ray
Mr. Steve Renaldi
Raymond B. Roberts, Esq.
Barbara Roesch, Esq.
Hon. Kathleen M. Rogers
David J. Roman, Esq.
Hon. Charles G. Rose
Ms. Patricia A. Ross
Hon. Eugene W. Salisbury
Hon. Nettie j. Scarzafava
Susan Shaw, Esq.
Ms. Lois I. Sink
Ms. Jacqueline Smith
Hon. Louise Smith
Hon. Paul H. Smith, Jr.
Thomas S. Soja, Esq.
Jerry M. Solomon, Esq.
Ms. Donna Srnka
Thomas Stahr, Esq.
Mr. David L. Sullivan
Thomas H. Swartz, Esq.
A. Michael Tantillo, Esq.
Hon. Irving Tenenbaum
Hon. Herman H. Tietjen
Hon. Judith K. Towsley
Hon. Joseph J. Traficanti, Jr.
Gail N. Uebelhoer, Esq.
Irwin R. Vogel, Esq.
David Wallace, Esq.
Hon. Thomas C. Walsh
Hon. Donald J. White
Hon. Robert P. Wylie
Hon. Frank E. Yannelli

3.3 Non-Judicial Training Programs

This year saw a healthy continuation of existing major nonjudicial programs and the introduction of several new initiatives. Every annual seminar set new records for attendance. A new train-the-trainers effort was commenced and the first annual series of fiscal management seminars was introduced. Also a series of legal seminars for Law Clerks was commenced in the New York City Metropolitan area.

ANNUAL SEMINARS

The annual seminars have, as their target participant populations, the Chief Clerks and key deputies of the courts in every county. They are organized by court type. Commissioners of Jurors and Law Librarians also conduct annual seminars.

Law Librarians
Rensselaerville, N.Y.
May 5-7, 1986

Under the leadership of the Chief Law Librarian this group of forty law librarians statewide led off the annual nonjudicial seminars for 1986. Topics went from purchasing procedure to the legal relationship of a law library's Board of Trustees to O.C.A. and the librarians.

A major session on computer software was conducted. The advantages of different softwares and how they were applied in different libraries throughout the system generated animated discussions and observations.

The impact of legislation to open up O.C.A. law libraries to the public at large was discussed. The possibility of developing a staff procedures manual was another issue brought before the group. A list of sources for collection development was supplied.

The Commissioners of Jurors
Niagara Falls, N.Y.
May 7-9, 1986

Sixty one Commissioners of Jurors or members of their staffs were present, along with a dozen representatives of various O.C.A. units. Major legal topics in this year's seminar included recent trends in case law, pending legislation affecting jury operations, the development of uniform procedures to reduce non-compliance with jury summonses, the proposed court rules and procedures to be adopted when a court order mandates the expansion of a jury pool.

Data base management was another key area, with representatives of O.C.A. data processing present for both discussions and demonstrations of software. Computer regionalization and the use of standard forms were important items on the agenda. The effects of the Individual Assignment System on jury operations, developing trends in the trial courts and proposed changes to increase juror utilization were discussed.

Surrogate's Law Association
Ellenville, N.Y.
June 4-6, 1987

This seminar is a legal issues seminar for staff attorneys working in the Surrogate courts. Fifty-four such court employees assembled for three days of discussion and illumination on legal issues. Several Surrogates, distinguished for leadership and scholarship in making decisions, made presentations on critical issues on which they had recently published opinions.

Supreme and County Court Clerks
Kiamesha Lake, N.Y.
July 21-24, 1986

Several main agenda items dealt with the Individual Assignment System, or I.A.S.

This had followed a report to the group on the status of the New York State courts today. This report was made by a member of the Joint Committee on Judicial Administration.

Other topics included information and records man-

agement, an update on legislation affecting Supreme and County Courts, and the courts clerks procedures manual. A major session, with breakout groups, was held on computerization in the court system. One room was set up so that the seminar participants could work with and learn about computers. Matters relating to the Division of Criminal Justice Services, such as pre- and post-conviction proceedings, sealing of records, criminal history records and information sheets and their function were discussed.

Law Clerks to Supreme Court Justices
New York City
November 3 and 10, 1986
November 7 and 14, 1986

Two similar two-day programs of continuing legal education for Law Clerks to Supreme Court Judges and Acting Supreme Court Judges were held in New York City. Over 90 Law Clerks attended each day of the program which consisted of lectures on evidence, equitable distribution, civil procedure and selected issues in criminal law.

Family Court Clerks
Syracuse, N.Y.
September 17-19, 1986

Eighty-seven representatives of the Family Courts, thirteen representatives of the Office of Management Support and a half dozen others from various State and Federal agencies attended this annual seminar.

A panel discussion on Hearing Examiners and the successes, problems and changes in the Hearing Examiners program was a topic of great interest. Some of the panelists were court clerks, others were Hearing Examiners in the Family Courts. The Personnel Unit provided an update on all personnel matters, the Education and Training Office conducted a workshop on "Delegating: A Key Management Tool" and a good deal of time was spent on new legislation affecting the Family Courts.

The Budget and Finance Unit provided a briefing on what Family Court Clerks ought to look for in budget planning and execution and how to document current needs and justify future needs so that the Budget Office can work more closely with them. Programs and Planning concluded the annual seminar with a presentation on records management.

Clerks of City, Police and Traffic Courts
Lake George, N.Y.
September 22-24, 1986

The recently appointed Director of Personnel made a presentation on the broad scope of services and programs available to the clerks from his department. The Director of Programs and Planning followed with a report on recent staffing studies in the City, Police and Traffic Courts, on records retention and destruction and on court automation.

A session on how the clerks present might implement the recommendations made by a task force on the treatment of women in the courts was held. Study groups selected one of the areas of recommendations made by the report, examined it for meaning and then made recommendations for carrying out the report's conclusions in their own courts.

Representatives from the Department of Motor Vehicles and the T-SLED Program made presentations to the clerks on areas in which there seemed to be a need for greater understanding about regulations and procedures. The City Court Procedures Manual group reported on the progress the manual drafting group was making. Two topics were presented by Counsel's Office. One was the court reorganization amendment proposal and the other was recent legislation affecting the courts in attendance.

Sole custody reports, bail automation on a personal computer, new time and leave procedures and preparing for an audit were major topics towards the end of the program. Eighty-four court clerks, representing almost every city in the State, attended.

Chief Clerks of Surrogates' Courts
Catskill, N.Y.
September 24-26, 1986

Sixty-nine attended this annual seminar that started with workshops on three different topics. The topics were: Probate Matters, Administrative Matters, and Miscellaneous Matters. All of the workshops were conducted a second time so that every participant could attend two of the three offerings.

Plenary sessions were held on the new Uniform Court Rules and on new legislation. A guest speaker from the State Legislature made a presentation on new and pending legislation that has or will affect Surrogate Court operations and procedures. A plenary discussion on the Uniform Rules and a question session on any and all matters affecting the Chief Clerks of Surrogates' Courts rounded out this annual seminar.

SPECIAL SEMINARS

Fiscal Planning Seminars
Core Group
New York
March 27, 1986

Staff Orientation
Albany
April 3, 1986

Statewide Meeting
Syracuse
April 23, 1986

Statewide Meeting
Albany
March 25, 1986

Statewide Meeting
East Meadow
March 29, 1986

Statewide Meeting
New York City
April 30, 1986

This was a new series of seminars designed by the Budget Office in conjunction with the Education and Training Office. It's purpose was to deliver key information to those responsible for shaping and implementing the annual fiscal plans throughout the court system.

Mediator Skills Program
Rochester, N.Y.
September 26, 1986

A special workshop called "Enhancing Training Skills" was created for this program. The target population consisted of those responsible for training new mediators. Thirty-one participants gave very favorable evaluations of this special program that emphasized the use of adult learning techniques. These techniques were employed in the delivery of the program itself.

Train-The-Trainers

Lake George
June 14-20, 1986

Albany
October 20-23, 1986

New York City
December 2, 1986

This special program involved forty-five participants chosen by the District Administrative Judges to become trainers of court personnel in their Judicial Districts.

N.Y. City Criminal Court Program
New York City
Dec. 22-23 and 29-30, 1986

This special program was requested by the Chief Clerk of New York City Criminal Court in New York County. One of the train-the-trainers group was assigned to design and implement a program to be delivered during the Christmas holiday season. The purpose of the program was to improve the performance of part clerks, particularly in the areas of notating case jackets clearly and accurately.

Working with the Education and Training Office, the trainer sent to the train-the-trainer program was able to produce a forty page participant booklet and an interactive design for what many would think would have to be boring subject matter.

PLANNING MEETINGS

One function of the nonjudicial training effort is the planning meetings for the major annual seminars. The participants in these meetings are representatives from various units within O.C.A. and members of the group that will be attending the annual seminar. The planning meetings are conducted by the members of the participant population. This is to assure that the annual seminar will be based on the needs of those working in the courts. O.C.A. representatives both propose new programs and respond to requests for meeting special needs of the group. The meetings almost always achieve a final overall design of the annual seminar and assignments of responsibility for having each of the program components ready.

Some of the planning meetings are held in the fall and appear in the previous year's annual report. Others are held in the winter or spring of the following year. The planning meetings conducted in 1986 were:

Supreme and County Court Clerks
Kiamesha Lake, N.Y.
April 10-11, 1986

Chief Clerks of Surrogate's Courts
Catskill, N.Y.
April 21-22, 1986

Clerks of City, Police and Traffic Courts
Syracuse, N.Y.
May 17-18 and August 12, 1986

Chapter 4

Legislation and Rule Revision

Legislation

The Office of Counsel is the principal representative of the Unified Court System in the legislative process. In this role, it is responsible for developing the Judiciary's legislative program and for providing the legislative and executive branches with analyses and recommendations concerning legislative measures that may have an impact on the courts and their administrative operations. It also serves a liaison function with bar association committees, judicial associations and other groups, public and private, with respect to changes in court-related statutory law.

Deputy Counsel staff the Chief Administrator's advisory committees on civil practice, criminal law and procedure and family law. These committees formulate legislative proposals in their respective areas of concern and expertise for submission to the Chief Administrator. When approved by the Chief Administrator, they are transmitted to the Legislature, in bill form, for sponsors and legislative consideration.

Each advisory committee also analyzes other legislative proposals during the legislative session. Recommendations are submitted to the Chief Administrator, who, through his Counsel, communicates with the Legislature and the Executive branch on such matters in the form of legislative memoranda and letters to Governor's Counsel.

Counsel's office also is responsible for drafting legislative measures required by the administrative office for the courts, including budget requests, adjustments in judicial compensation and measures to implement collective bargaining agreements negotiated with court employee unions pursuant to the Taylor Law. In addition, Counsel's Office analyzes other legislative measures that have potential impact on the administrative operation of the courts and makes recommendations to the Legislature and the Executive branch on such matters.

In the discharge of its legislation-related duties, Counsel's Office consults frequently with legislators, the professional staff of legislative committees and the Governor's Counsel for the purposes of generating support for the Judiciary's legislative program and providing technical assistance in the development of court-related proposals initiated by the executive and legislative branches.

During the 1986 legislative session, Counsel's Office, in conjunction with the advisory committees, prepared and submitted thirty-one new measures for legislative consideration. In addition, thirty-five measures were carried over from the 1985 session and of these sixty-six proposals, nine were ultimately enacted into law. Also during the 1986 session, Counsel's Office furnished Counsel to the Governor with analyses and recommendations on 139 court-related measures awaiting executive action, while the Legislature was supplied with written legislative memoranda on 65 measures.

Finally, Counsel's Office worked closely with the Legislature and the Governor's office to secure first passage of a proposed constitutional amendment (Senate bill 9618) to provide for a merged court system. A constitutional amendment must be approved by two successive legislatures prior to submission to the voters. Counsel's Office will continue to work on this measure during the 1987 session.

The following is a summary of the measures submitted for introduction in the Legislature in 1986 at the request of the Office of Court Administration.

Measures Enacted Into Law in 1986

Chapter 4 (Senate bill 5524). Amends CPLR 2306(a) to provide that when a subpoena duces tecum requires the production of records relating to the condition of a patient, any reproduction of the records must be full-sized and legible. Eff. 1/1/87.

Chapter 44 (Assembly bill 9748). Implements a collective bargaining agreement between the Unified Court System and the New York State Court Employees' Association. Eff. 4/1/85.

Chapter 77 (Senate bill 2674-A). Repeals the closing paragraph of section 308 and amends section 3215 of the CPLR to make technical changes in the provisions requiring additional notice before a default judgment may be taken in an action based upon nonpayment of a contractual obligation. Eff. 1/1/87.

Chapter 122 (Assembly bill 8865). Amends section 478 of the Judiciary Law to delete an obsolete reference requiring the filing of an attorney's oath. Eff. 6/2/86.

Chapter 316 (Senate bill 7928-A). Amends sections 5601 and 5602 of the CPLR to authorize appeals to the Court of Appeals from a final arbitration award. Eff. 1/1/87.

Chapter 343 (Senate bill 8591). Amends section 56 of the Judiciary Law to increase from three to five the number of members of the State Board of Law Examiners. Eff. 7/17/86.

Chapter 355 (Senate bill 9344). Amends numerous sections of the CPLR to make certain technical changes required by implementation of an individual assignment system (IAS). Eff. 7/17/86.

Chapter 459 (Senate bill 7630). Amends section 738 of the Family Court Act to provide that a warrant issued for a PINS respondent shall expire in six months from the date of its issuance, unless extended for an additional period of not more than six months upon application by the petitioner for good cause shown. Eff. 8/20/86.

Chapter 837 (Senate bill 9466). Amends sections 30.30 and 160.50 and adds a new article 215 to the Criminal

Procedure Law and amends section 849-b of the Judiciary Law to authorize the referral of selected felonies to community dispute resolution programs. Eff. 11/1/86.

Measures Newly Introduced in 1986 and Not Enacted Into Law

Senate 7491/Assembly 8970. This measure would amend the Judiciary Law to provide for the retention and disposition of trial court records.

Senate 7516/Assembly 9022. This measure would amend the CPLR, the Uniform City, District and Justice Courts Acts and the New York City Civil Court Act to provide for service of process by mail.

Senate 7544/Assembly 9630. This measure would amend CPLR section 3117(a) (2) to clarify provisions governing the use of depositions at trial.

Senate 7545/Assembly 9620. This measure would amend the Domestic Relations Law to add housing court judges to those officials who may solemnize a marriage.

Senate 7629-B/Assembly 11072. This measure would amend the Domestic Relations law and the Family Court Act in relation to relevant factors to be considered in child custody matters.

Senate 7906/Assembly 9615. This measure would amend the Criminal Procedure Law to clarify docketing procedures in relation to mandatory surcharges.

Senate 7907/Assembly 9591. This measure would amend section 240.20(1) of the Criminal Procedure Law to require pretrial disclosure of prior uncharged crimes which the prosecution intends to use for impeachment purposes at trial.

Senate 7908/Assembly 9592. This measure would amend the Criminal Procedure Law to permit examinations of witnesses on commission to be videotaped.

Senate 7909/Assembly 9593. This measure would amend the Criminal Procedure Law to permit a misdemeanor complaint to be converted to an information based on the unsworn testimony of a child witness with any corroborating evidence.

Senate 7910-B/Assembly 9594-A. This measure would amend CPLR section 5519(a) and (e) in relation to stays of enforcement on appeal.

Senate 7953/Assembly 9589. This measure would amend rule 3405 of the CPLR increasing to $10,000 the maximum jurisdictional amount for civil actions subject to mandatory arbitration.

Senate 7954/Assembly 9667. This measure would amend the Civil Service Law to designate hearing examiners in Family Court as managerial employees.

Senate 8336/Assembly 9625-A. This measure would amend the Judiciary Law to clarify the circumstances under which a nonresident attorney may practice in New York State courts.

Senate 8525/Assembly 9871. This measure would amend section 661 of the Family Court Act to grant Family Court the same jurisdiction as Surrogate's Court in relation to the guardianship of a minor.

Senate 8592/Assembly 8866. This measure would amend section 25 of the Judiciary Law to extend disability benefits to all state-paid, full-time judges or justices of the Unified Court System.

Senate 9208-B/Assembly 11355. This measure would amend the Judiciary Law to increase the reimbursement rates for judges and justices who may be required to travel.

Senate 9209/Assembly 11356. A concurrent resolution which would amend the Constitution relative to the manner of electing incumbent judges and justices.

Senate 9263/Assembly 8867. This measure would amend Chapter 984 of the Laws of 1984 to correct the disparity in calculation of retiring judges' benefits.

Senate 9392/Assembly 11619. This measure would amend the Judiciary Law to provide for compensation of law guardians appointed in Supreme Court.

Senate 9463-B/Assembly 11709. This measure would implement a legal framework for encouraging the improvement of court facilities maintained by localities.

Assembly 9590. This measure would amend the CPLR to limit the appealability of interlocutory determinations as of right to the Appellate Divisions.

Assembly 10103. This measure would amend the New York City Criminal Court Act, the Nassau County Government Laws and the Suffolk County Charter to increase the number of judges in the New York City Criminal Court to 23, in the Nassau County District Court to 3 and in the Suffolk County District Court to 2.

Assembly 10877. This measure would amend the CPLR to allow law clerks to judges to act as referees in certain cases.

In addition to the foregoing, the Chief Administrator sent to the Legislature a proposal to amend the Domestic Relations Law relative to consents in private-placement adoptions. This measure was never introduced.

Rule Revision

Numerous constitutional and statutory provisions require or authorize the Chief Judge and Chief Administrator to promulgate rules affecting the operation of the courts. Rules of the Chief Judge are promulgated after consultation with the Administrative Board of the Courts and with the approval of the Court of Appeals. Rules of the Chief Administrator of the Courts are promulgated as follows: administrative and trial court calendar rules, after consultation with the Administrative Board of the Courts; rules of judicial conduct, with the approval of the Court of Appeals; and trial court rules of practice and procedure, with the advice and consent of the Administrative Board of the Courts.

Rules of the Chief Judge

The following rules were adopted, amended or repealed by the Chief Judge during 1986:

Part 30 of the Rules of the Chief Judge (22 NYCRR

Part 30), constituting the Uniform Justice Court Rules, was repealed effective January 6, 1986, and was replaced, effective the same date, by portions of Part 200, the Uniform Rules for Courts Exercising Criminal Jurisdiction (22 NYCRR Part 200), and by Part 214, the Uniform Civil Rules for the Justice Courts (22 NYCRR Part 214), both adopted by the Chief Administrator of the Courts, effective January 6, 1986.

Part 28 of the Rules of the Chief Judge (22 NYCRR Part 28), relating to the alternative method of dispute resolution by arbitration, was amended to provide that the Chief Administrator may establish procedures to evaluate the qualifications of applicants for placement on the list of arbitrators established by the Chief Administrator from attorneys admitted to practice in New York, and that an attorney may be removed from the list at the discretion of the commissioner of arbitration upon approval of the Chief Administrator. The amendment further provided that adjournments of arbitration hearings may be granted at the discretion of the chairperson only upon good cause shown and that the Chief Administrator may provide for orientation and training courses for arbitrators.

Section 24.1(b) of the Rules of the Chief Judge (22 NYCRR 24.1(b)) was adopted, effective April 30, 1986, to provide that all employees in the classified service of the Unified Court System shall maintain time and attendance records in accordance with procedures established by the Deputy Chief Administrator for Management Support [On January 1, 1987, a new Part 24 of the Rules of the Chief Judge replaced former Part 24, and the subject matter of former section 24.1(b) became governed by new section 24.2].

Section 25.43 of the Career Service Rules of the Chief Judge (22 NYCRR 25.43) was amended by order dated May 28, 1986, but not to be effective until January 1, 1987, by adding a new subdivision (e) to the section to provide that no employee of the Unified Court System may hold an elective office in a political party, or a club or organization related to a political party, except that an employee may be a delegate to a judicial nominating convention or a member of a county committee other than the executive committee of a county committee. [By a separate amendment of Part 25, effective January 1, 1987, this subdivision became subdivision (e) of section 25.39 of the Career Service Rules (22 NYCRR 25.39 (e)].

Section 25.19 of the Career Service Rules of the Chief Judge (22 NYCRR 25.19) was amended, effective October 14, 1986, to provide that the duration of an eligible list shall be fixed at not less than one nor more than four years; provided that (1) where vacancies cannot be filled from an eligible list because of restrictions on filling vacancies based on a financial emergency, the Chief Administrator of the Courts may extend the duration of that eligible list up to a period equal to the length of such restriction against the filling of vacancies, and (2) in exceptional circumstances and where an examination already has been scheduled for a title, the Chief Administrator may extend the duration of an eligible list for that title up to the date of the certification of the new eligible list resulting from that examination, but in no event for more than one year. [By a separate amendment of Part 25 of the Career Service Rules, effective January 1, 1987, section 25.19 was renumbered as section 25.17 of those Rules (22 NYCRR 25.17)].

Part 23 of the Rules of the Chief Judge (22 NYCRR Part 23, Grievance Procedure), Part 24 of the Rules of the Chief Judge (22 NYCRR Part 24, Time and Leave), and Part 27 of the Rules of the Chief Judge (22 NYCRR Part 27, Collective Negotiations Within the Unified Court System), were repealed, effective January 1, 1987, and a new and updated Part 23 of the Rules of the Chief Judge (22 NYCRR Part 23), relating to Grievance Procedure, and a new and updated Part 24 of the Rules of the Chief Judge (22 NYCRR Part 24), relating to Time and Leave, were adopted, also effective January 1, 1987. the new Part 23 grievance procedure provides a comprehensive internal grievance mechanism for unrepresented employees who are not covered by collective bargaining agreements. The Part 24 rules provide time and leave requirements for unrepresented employees that follow in large part the time and leave requirements applicable to represented employees as fixed through collective negotiation.

Also effective on January 1, 1987, Part 25 of the Rules of the Chief Judge (22 NYCRR Part 25), relating to Career Service, was amended and updated substantially and sections thereof renumbered. Included in these amendments were significantly revised requirements for probationary employees.

Rules of the Chief Administrator of the Courts

Section 118.1 (g) of the Rules of the Chief Administrator of the Courts (22 NYCRR 118.1 (g)) was amended, effective April 23, 1986, to provide that, in the context of the rule requiring the registration of attorneys, an attorney is deemed "retired" from the practice of law when he or she does not practice law in any respect and does not intend ever to engage in acts that constitute the practice of law.

New Part 130 of the Rules of the Chief Administrator (22 NYCRR Part 130) was adopted, effective March 18, 1986, to provide for a suggestion incentive program for nonjudicial employees.

New Part 131 of the Rules of the Chief Administrator (22 NYCRR Part 131) was adopted, effective March 18, 1986, to provide for a merit performance award program for nonjudicial employees.

Paragraph (5) of subdivision (b) of section 100.3 of the Judicial Conduct Rules of the Chief Administrator (22 NYCRR 100.3 (b) (5)) was amended, effective July 8, 1986, to provide that a judge shall prohibit members of his or her staff who are the judge's personal appointees from holding an elective office in a political party, or a club or organization related to a political party, except for delegate to a judicial nominating convention or member of a county committee other than the executive committee of a county committee.

Section 100.7 of the Judicial Conduct Rules of the Chief Adminstrator was amended, effective July 8, 1986, to clarify and revise in several respects prohibitions against political activities by judges, primarily with respect to campaign conduct.

Section 202.56 of the Uniform Civil Rules for the Supreme and County Courts, relating to medical, dental

and podiatric malpractice actions, was amended, effective August 25, 1986, to conform that section to various statutes enacted by the Legislature in 1986, in relation to medical, dental and podiatric malpractice actions.

New section 200.15 was added to part 200 of the Uniform Rules for Courts Exercising Criminal Jurisdiction (22 NYCRR 200.15), to provide that any party filing with a superior court an application for appointment of a special district attorney, pursuant to section 701 of the County Law, shall make the application to the Chief Administrator of the Courts, who, in consultation and agreement with the Presiding Justice of the appropriate Appellate Division, shall designate a superior court judge to consider the application as provided by law.

Section 116.3 (f) and (g) of the Rules of the Chief Administrator (22 NYCRR 116.3 (f) (g)) was amended, effective November 1, 1986, to make several revisions in the provisions governing the Community Dispute Resolution Centers Program.

1987 Report

of the

Advisory Committee on Civil Practice

to the

Chief Administrator of the Courts

of the

State of New York

December 1986

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I. Introduction

The Advisory Committee on Civil Practice, one of the standing advisory committees established by the Chief Administrator of the Courts pursuant to section 212 (1) (q) of the Judiciary Law, annually recommends to the Chief Administrator legislative proposals in the area of civil procedure that may be incorporated in the Chief Administrator's legislative program. The committee makes its recommendations on the basis of its own studies, examination of decisional law, and on the basis of recommendations received from bench and bar. The Committee maintains a liaison with the New York State Judicial Conference, committees of judges and committees of bar associations, legislative committees and such agencies as the Law Revision Commission. In addition to recommending its own annual legislative program, the Committee reviews and comments on other pending legislative measures concerning civil procedure.

In this 1987 Report the Committee recommends a total of 14 bills for enactment by the 1987 Legislature. Of these bills, seven bills previously have been endorsed, while of the seven remaining bills, three are new and four are modified measures.

Part II of this Report summarizes each of the measures previously submitted and endorsed and explains the purpose in each instance.

Part III summarizes new measures and measures previously submitted but proposed in 1987 in modified form.

The new measures submitted this year would (1) clarify the procedures for completion of service pursuant to CPLR 308 (2) (4); (2) provide for the validity of service of process in certain circumstances; and (3) raise and revise costs in actions in courts of limited jurisdiction. The modified measures would contain the following changes: (1) the bill on service of process by mail is modified to strengthen consumer protection by providing that (a) costs imposed for not answering mailed process are limited to $25 in actions arising out of consumer credit transactions where the amount sought is $3000 or less; (b) those who may serve process by mail are limited to a plaintiff, plaintiff's attorney or an employee in the attorney's office; (c) a plaintiff who had mailed process but received no acknowledgment of receipt must give notice of such attempt upon subsequently serving process personally by alternate means; and (d) taxation clearly may be levied without regard to the outcome of the action; (2) the bill to revise generally the CPLR disclosure provisions is modified to eliminate the proposal for financial sanctions on motions, which will be considered for separate legislation, and to add and eliminate respectively various technical proposals in the light of ongoing experience and discussions; (3) the bill that provides for stay of enforcement on appeal is revised in the interest of clarity to incorporate suggestions made by legislative staff members; and (4) the bill on the temporary restraining order, which would prevent abuse of applications without notice, is revised to clearly indicate that the giving of prior notification is to be the norm upon an application for a TRO.

In Parts II and III, individual summaries are followed by drafts of appropriate legislation.

Part IV briefly discusses pending and future projects under Committee consideration for legislation.

The following measures recommended in the 1986 Report of the Advisory Committee on Civil Practice to the Chief Administrator of the Courts of the State of New York were enacted into law by the 1986 Legislature:

1. Senate 5527, An Act to amend the CPLR in relation to reproduction of hospital records, enacted as Chapter 4 of the Laws of 1986.

2. Senate 2674-A, An Act to amend the CPLR, in relation to additional notice of default judgement in an action based upon non-payment of a contractural obligation and to repeal certain provisions thereof relating thereto, enacted as Chapter 77 of the Laws of 1986.

3. Senate 7928-A, An Act to amend the CPLR, in relation to appeal to the Court of Appeals of a final arbitration award bringing up for review the prior nonfinal order of the Appellate Division affecting such award, enacted as Chapter 316 of the Laws of 1986.

Although the particular bill reommended on the subject in 1986 by the Advisory Committee on Civil Practice was not enacted, the Committee notes with special satisfaction the enactment, by Chapter 682 of the Laws of 1986, of a statute of limitations based upon the date of discovery for actions for damages caused by the latent effects of exposure to toxic substances, legislation long urged by the Committee.

The Committee continues to solicit the comments and suggestions of bench, bar, academic community and public, and invites the sending of all observations, suggestions and inquiries to:

Professor George F. Carpinello, Chair
Advisory Committee on Civil Practice
Office of Court Administration (Suite 1402)
270 Broadway
New York, New York 10007

On May 23, 1986, the Chief Administrator announced the expansion and restructuring of the Advisory Committee on Civil Practice in keeping with its increasingly important and pressing duties in evaluating and recommending civil practice legislation. Accordingly, the number of members was increased from 20 to 23, plus two ex-officio members. Further, in order to bring a wider variety of expertise to bear on Committee work, term rotation of membership was initiated.

Sheila L. Birnbaum, who resigned as Chairperson owing to the press of professional obligations, was succeeded by Professor George F. Carpinello of Albany Law School, continuing a tradition of academic guidance exemplified by past Chairs Sheila L. Birnbaum, David D. Siegel and Adolf Homburger. A membership list of the expanded Committee concludes this Report.

II. Previously Endorsed Measures

1. Bill of Particulars (CPLR 3041, 3042)

The Committee recommends the amendment of CPLR 3041 and CPLR 3042 to save the time of courts and litigants, to curtail pronounced and widespread abuses which have arisen under present law, and otherwise to improve the procedures governing the use of bills of particulars.

Under the present provisions of CPLR 3042, many attorneys serve a bill of particulars only after being served with a conditional order of preclusion. Initial requests for bills of particulars routinely are ignored. Some attorneys routinely serve demands that are so prolix and burdensome as effectively to harass opponents. Still other attorneys routinely serve patently defective bills.

The courts are inundated with motions to preclude for failure timely to serve bills of particulars, and with motions relating to disclosure generally. A survey showed that during 1980 Special Term, Part 1-A, of the Supreme Court in New York County, processed 25,242 motions relating to bills of particulars, disclosure, and statements of readiness. Motions relating to bills of particulars are adjoined frequently, and the final determination is generally a conditional order of preclusion which may or may not be obeyed. This practice wastes judicial resources and burdens litigants.

The language of CPLR 3042 is streamlined by making a minor amendment to CPLR 3041. "Bill of particulars" is defined to include "items of an account or a copy thereof," thus eliminating the need for numerous references in CPLR 3042 to items of an account.

The following revisions are contained in CPLR 3042:

Whereas the party served with a demand for a bill of particulars must now comply with the demand within 20 days of service or move to vacate or modify the demand within 10 days thereof, this bill would amend subdivision (a) to simplify the procedure by setting a uniform period of 20 days in each instance, and the party moving to modify the demand would be required to attach to the moving papers a copy of the proposed bill, complying with the items to which there is no objection.

Subdivision (b), which allows a party seeking a bill of particulars to proceed by motion instead of demand, is retained, although it seldom is utilized. There may be some circumstances in which proceeding by motion initially is appropriate.

Subdivision (c) would be amended to create a new automatic preclusion procedure applicable to a party who fails timely either to comply with the demand for a bill of particulars or to move to vacate or modify. In the absence of any such timely action, the demanding party would be authorized to put the defaulting party on written notice that the bill has not been served and that an automatic preclusion will take effect 30 days after service of the notice if the bill is not received. The written notice must be served by personal delivery or by registered or certified mail. Additionally, the notice is required to refer to this rule so that the defaulting party may be alerted to the statutory sanction for default in serving the bill.

The notice and automatic preclusion procedure, which is provided for in amended subdivision (c), and is new, is the principal difference between the proposed rule 3042 and present rule 3042.

A party who is unable to comply with the demand should move in a timely manner under subdivision (a) to prevent the imposition of any sanction. A party would not be permitted to move to vacate or modify a demand after receipt of the preclusion notice but may move to vacate the default within 60 days after service of the notice of preclusion. Such relief could be afforded only upon a showing of justifiable excuse for the default, the submission of an affidavit of merits and the proposed bill of particulars. Relief from automatic preclusion would be governed by a new subdivision (d).

Present subdivision (d) governing preclusion for a defective bill would be retained with some revision as new subdivision (e).

Present subdivision (e) governing the conditional order of preclusion, would be deleted since that procedure is superseded by this revision. Present subdivision (f), governing affidavits, would be eliminated as unnecessary because general rules governing motions and affidavits are adequate and because an affidavit of merits, to be required by new subdivision (d), should be made by a party, not an attorney.

Present subdivision (g) (amendment) would be redesignated as new subdivision (f) and slightly reworded for the sake of clarity.

Present subdivision (h) (costs) would be redesignated as new subdivision (g).

Nothing in the revision of this rule precludes parties or their attorneys from extending by written stipulation the time for serving any notice, motion or bill of particulars.

The extension of time to 20 days to move to modify or vacate the demand, together with the potential for automatic preclusion, should substantially reduce the number of motions required with respect to bills of particulars, and significantly improve the administration of justice.

Revision of rule 3042 also provides an opportunity to make minor grammatical and technical changes in the wording of various provisions. These changes are not intended to have any substantive effect.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to bill of particulars.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty hundred forty-one of the civil practice law and rules is amended to read as follows:

§3041. Bill of particulars in any case. Any party may require any other party to give a bill of particulars of [his] *such party's* claim, or a copy of the items of the account

alleged in a pleading. *As used in this article, the term "bill of particulars" shall include "copy of the items of an account" wherever appropriate.*

§2. Rule thirty hundred forty-two of such law and rules, subdivision (a) as amended by chapter two hundred ninety-four of the laws of nineteen hundred eighty-four, subdivision (g) as amended by chapter two hundred ninety-seven of the laws of nineteen hundred seventy-eight and subdivision (h) as relettered by chapter two hundred ninety-six of the laws of nineteen hundred seventy-eight, is amended to read as follows:

Rule 3042. Procedure for bill of particulars. (a) [Notice. A request for a bill of particulars or a copy of the items of an account shall be made by serving a written notice stating the items concerning which such particulars are desired. If the party upon whom such notice is served is unwilling to give such particulars, in whole or in part, he may move to vacate or modify such notice within ten days after receipt thereof. The notice or supporting papers shall specify clearly the objections and the grounds therefor. If no such motion is made the bill of particulars shall be served within twenty days after the demand therefor, unless the court shall otherwise direct.] *Demand. A demand for a bill of particulars shall be made by serving a written demand stating the items concerning which the particulars are desired. The party served with the demand, within twenty days of the service thereof, shall serve a bill of particulars complying with the demand, or move to vacate or modify the demand, specifying the objections and the grounds therefor. A party moving to modify the demand shall attach to the moving papers a copy of the proposed bill, complying with the items to which no objection is made.*

(b) Motion. Instead of proceeding by demand, [the] *a* party may move for a bill of particulars[, or copy of the items of account] in the first instance.

(c) Preclusion for failure to supply bill. [In the event that] *If* a party fails *timely* to furnish a bill of particulars[, or copy of the items of an account the court, upon notice, may preclude him from giving evidence at the trial of the items of which particulars have not been delivered] *or to move to vacate or modify the demand, the demanding party may serve a written notice of preclusion by personal delivery or by registered or certified mail requesting that the demand be complied with within thirty days after service of the notice. The notice shall refer to this rule and shall state that if the party fails to comply therewith the party automatically shall be precluded without an application to the court. If the party served with the notice fails, within thirty days after service thereof, to furnish a bill, the party shall be precluded from giving evidence at trial of the particulars not furnished.*

(d) [Preclusion for defective bill. Where a bill of particulars, or copy of the items of the account, is regarded as defective or insufficient by the party upon whom it is served, the court, upon notice, may make an order of preclusion or directing the service of a further bill. In the absence of special circumstances, a motion for such relief shall be made within ten days after the receipt of the bill claimed to be insufficient] *Relief from automatic preclusion. A party precluded under subdivision (c) of this rule may move to vacate the default within sixty days after service of the notice of preclusion, upon a showing of justifiable excuse for the default, and submission of an affidavit of merits and the proposed bill.*

(e) [Conditional order of preclusion. A preclusion order may provide that it will be effective unless a proper bill is served within a specified time] *Preclusion for defective bill. Where a bill is defective or insufficient, the court, upon motion, may order preclusion or direct the service of a further bill. In the absence of special circumstances, a motion for such relief shall be made within thirty days after receipt of the bill claimed to be defective or insufficient.*

(f) [Affidavits. Affidavits to be used in support of or in opposition to a motion under this rule may be made by a party or his attorney.

(g) Amendment. In any action or proceeding in a court in which a note of issue is required to be filed, a party may amend [his] *the* bill of particulars once as of course [before trial,] prior to the filing of a note of issue.

[(h)] *(g)* Costs. Upon any motion, except under subdivision (b), costs may be imposed.

§3. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

2. Use of Depositions (CPLR 3117 (a)(2)

The Committee recommends the clarification of CPLR 3117 (a)(2) with respect to the use of depositions.

CPLR 3117 (a)(2), in prescribing which depositions may be used as evidence in chief by an adverse party, includes the depositions of various officials and agents of a party, but it singles out the party's "employee" for distinct treatment. Before the employee's deposition may be used (even by the adverse party), CPLR 3117 (a)(2) requires a showing that the employee was "produced" by the employer-party, but it does not say expressly when this producing had to take place.

The context suggests that the employee had to be produced by the employer at the trial, and that is in fact the construction given to the rule by *Rodriquez v. Board of Education of the City of New York*, 104 A.D. 2d 978 (2d Dept. 1984). What was almost certainly intended, however, is that it be shown that the employer produced the employee not at the trial, but at the deposition. It is at that point that the employee's loyalties would be relevant, giving the employee, if he is such at deposition time, the status of a "party" and enabling the adverse party to treat his deposition as such later on at the trial. That application of the rule makes more sense in trial practice (*see* Siegel, 1985 Commentary C3117:4 on McKinney's CPLR 3117) and the Advisory Committee has discerned that the application recommended here has been the most common one, and clearly the one preferred by members of the trial bar on both sides of litigation.

The amendment therefore alters the construction given the rule by *Rodriquez*, and adopts the common and preferred practice.

Proposal

AN ACT

To amend the civil practice law and rules in relation to use of depositions.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph two of subdivision (a) of rule thirty-one hundred seventeen of the civil practice law and rules, as amended by judicial conference proposal number two for the year nineteen hundred seventy-seven, is amended to read as follows:

2. the deposition of a party or of any one who at the time of taking the deposition was an officer, director, member, or managing or authorized agent of a party, or the deposition of an employee of a party produced *at the taking of the deposition* by that party, may be used for any purpose by any adversely interested party; and

§ 2. This act shall take effect immediately.

3. Withdrawal of Demand for Trial by Jury (CPLR 4102 (a))

The Committee recommends that CPLR 4102 (a) be amended to provide that a party may not withdraw a demand for trial by jury without the consent of other parties, even where another party had filed a note of issue without a jury demand.

It has been brought to the attention of the Committee that there are occasions where a plaintiff files a note of issue without demanding a jury and, thereupon, the defendant files a jury demand. In some such instances the defendant later may withdraw that demand, perhaps on the eve of trial or even after a jury panel has been selected. Thus, a defendant may secure the benefit of substantial delay occasioned by the jury demand and wait until the last minute to decide whether trial by jury is likely to be beneficial to him, retaining until that time a unilateral right to keep or disband a jury.

While CPLR 4102 (a) nominally would seem to preclude this tactic by requiring the consent of all parties to the withdrawal of a jury demand, the courts have carved an exception to the consent requirement. In *Gonzalez* v. *Concourse Plaza Syndicates, Inc.*, 41 N.Y. 2d 414 (1977), the Court of Appeals held that the consent of a party to the withdrawal of a jury demand is not required where that party previously had filed a note of issue waiving the right to trial by jury.

The courts have criticized the tactic permitted by the interpretation of CPLR 4102 (a) in the *Gonzalez* case. In *Wright* v. *Centurion Investigations*, 113 Misc. 2d 150 (App. Term, Second Dep't 1982), the Appellate Term refused to allow a plaintiff to file a jury demand *nunc pro tunc*, where the plaintiff had not demanded a jury in the note of issue and the defendant had thereafter filed and later withdrew a jury demand. The concurring opinion in that case stated, at p.151, as follows:

> I concur with the result based upon the present state of the law. However, I deplore the "gamesmanship" practiced by defendants-appellants... Appellants filed a jury demand, thereby delaying the trial of the action. Thereafter, as the matter was about to be tried and the jury selection process had begun, appellants sought to withdraw their jury demand over plaintiff's objections. Permitting a defendant to withdraw the demand at that point places a plaintiff at a decided disadvantage. Defendant, if satisfied with the prospective panel, will proceed to a trial by jury, whereas if he is not satisfied all he need do is withdraw his demand and obtain a nonjury trial. Plaintiff, however, has no such option. Such tactics should not be countenanced and it is suggested legislation be enacted to remedy the situation.

The Committee recommends that the statute be revised to provide that a party may not withdraw a demand for trial by jury without the consent of the other parties, regardless of whether another party previously filed a note of issue without a demand for trial by jury.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to the withdrawal of a demand for trial by jury

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (a) of section forty-one hundred two of the civil practice law and rules, as amended by chapter nineteen of the laws of nineteen hundred sixty-eight, is amended to read as follows:

(a) Demand. Any party may demand a trial by jury of any issue of fact triable of right by a jury, by serving upon all other parties and filing a note of issue containing a demand for trial by jury. Any party served with a note of issue not containing such a demand may demand a trial by jury by serving upon each party a demand for a trial by jury and filing such demand in the office where the note of issue was filed within fifteen days after service of the note of issue. A demand shall not be accepted for filing unless a note of issue is filed in the action. If no party shall demand a trial by jury as provided therin, the right to trial by jury shall be deemed waived by all parties. [A party may not] *Notwithstanding that any party has filed a note of issue without a demand for a trial by jury, no party may* withdraw a demand for trial by jury without the consent of the other parties.

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

4. Trial of Issues of Fact with Respect to Arbitration (CPLR 7503)

The Committee recommends the enactment of CPLR 7503 (d) to direct that the trial of issues of fact arising on an application to compel or stay an arbitration be without a jury.

At present, such issues of fact are tried by a jury. The purpose of arbitration, however, is to facilitate prompt

dispute resolution. Accordingly, this measure will enable fair and expeditious resolution of these issues of fact by the court with minimum delay to the arbitral process and, in view of the already congested state of civil jury trial calendars, with salutary impact on court administration.

Recognizing that constitutional objections might exist, the Advisory Committee on Civil Practice requested that a study of this proposal be undertaken at Yale Law School. This study, which appears in the 1978 Annual Report of the Judicial Conference (at p. 314), concludes that the Constitution does not bar the Legislature from terminating the right to trial by jury of the arbitrability issue.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to the trial of issues of fact with respect to arbitration

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy-five hundred three of the civil practice law and rules is amended by adding thereto a new subdivision, to be subdivision (d), to read as follows:

(d) Issues of fact. Issues of fact arising on an application under this section shall be tried by the court without a jury.

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

5. Hearing and Determination of Article 78 Proceeding (CPLR 7804 (g))

The Committee recommends that CPLR 7804 (g) be amended to make it clear that only those issues which could terminate the case upon their being resolved before the substantial evidence issue is reached shall be decided by the Supreme Court before the case can be transferred, when not dismissed, to the Appellate Division for consideration of the substantial evidence question.

This bill would amend subdivision (g) of section 7804 of the CPLR, which provides that an Article 78 proceeding involving the question whether an administrative determination is supported by substantial evidence shall be transferred from the Supreme Court to the Appellate Division. It also provides, however, that the Supreme Court may pass "on objections in point of law." Just what questions are to be passed upon under this ambiguous provision has long been a subject of disagreement.

This measure would amend subdivision (g) to eliminate the reference to "objections in point of law" and to clarify the process preliminary to transfer of an Article 78 proceeding to the Appellate Division. As the law now stands, where a substantial evidence issue is not raised, the Supreme Court would dispose of all the issues in the proceeding. Under this measure, however, where a substantial evidence issue is raised, the Supreme Court would first dispose of "such other objections as could terminate the proceeding without reaching the substantial evidence issue" — *e.g.*, lack of jurisdiction, statute of limitations and res judicata. If disposition of these objections does not terminate the proceeding, the Supreme Court must then transfer the proceeding to the Appellate Division. *See Hop-Wah* v. *Coughlin*, 118 A.D. 2d 275, 504 N.Y.S. 2d 806 (Third Dept., July 17, 1986).

This distribution of jurisdiction over Article 78 proceedings is salutary. The substantial evidence rule is an adjunct to the old writ of *certiorari*, which was available only where a litigant sought review of a determination following a full-fledged, quasi-judicial administrative hearing. Transfer of substantial evidence cases to the Appellate Division is premised on the fact that in such cases there has already been a plenary hearing before an administrative agency, giving rise to a full record, and that review of that record should be the responsibility of an appellate-level court. Likewise, authorizing trial courts first to screen substantial evidence cases, and in the process weeding out those with fatal defects unrelated to substantial evidence issues, is clearly consistent with the role of *nisi prius* at the Supreme Court level. Moreover, this procedural arrangement is desirable from the standpoint of effective court administration and judicial economy. There is little reason to involve a trial court in review of substantial evidence issues because: (1) the record to be reviewed was established at the agency level and is complete; and (2) to permit such review would merely be duplicative of the review to follow in the Appellate Division. Filtering substantial evidence cases through the trial courts, however, to permit the early disposition of those with fatal defects, will provide some relief for already congested Appellate Division calendars.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to the hearing and determination of article seventy-eight proceeding

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (g) of section seventy-eight hundred four of the civil practice law and rules is amended to read as follows:

(g) Hearing and determination; transfer to appellate division. Where [an] *the substantial evidence* issue specified in question four of section 7803 is not raised, the court in which the proceeding is commenced shall itself dispose of the issues in the proceeding. Where such an issue is raised, the court shall *first dispose of such other objections as could terminate the proceeding, including but not limited to lack of jurisdiction, statute of limitations and res judicata, without reaching the substantial evidence issue. If the determination of the other objections does not terminate the proceeding, the court shall* make an order directing that [the proceeding] *it* be transferred for disposition to a term of the appellate division held within the judicial department embracing the county in which the proceeding was commenced [; the court may, however, itself pass on objections in point of law]. When the proceeding comes before it, whether by appeal or transfer, the appellate division shall dispose of all issues in the proceeding, or, if the papers are insufficient, it may remit the proceeding.

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

6. Fees of Persons Subpoenaed (CPLR 8001 (a))

The Committee recommends that CPLR 8001 (a) be amended to increase both the attendance fee and travel expenses for a person subpoenaed to testify in civil actions. The daily attendance fee would be increased from $2.00 to $15.00, and travel expenses for each mile from the place of service of the subpoena to the place of attendance and back, from 8¢ to 23¢. Because section 610.50 of the CPL provides that "[a] witness subpoenaed by the people in a criminal action is entitled to the same fees and mileage as a witness in a civil action," this measure would provide similar increases in fees and expenses allowed prosecution witnesses in criminal cases.

As a result of inflation, attendance fees and the reimbursement level for travel expenses for persons subpoenaed are in need of revision. These fees and expenses, which have not been revised since the enactment of the CPLR in 1962, no longer reflect present economic reality. The proposed increase in fees will afford witnesses more reasonable compensation for time lost while testifying in court or at an examination before trial. The proposed increase in mileage will provide witnesses with the same reimbursement now afforded State employees who travel on official State business.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to fees of persons subpoenaed

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (a) of section eighty hundred one of the civil practice law and rules, is amended to read as follows:

(a) Persons subpoenaed. Any person [whom] *whose* attendance is compelled by a subpoena, whether or not actual testimony is taken, shall receive for each day's attendance [two] *fifteen* dollars for attendance fees and [eight] *twenty-three* cents as travel expenses for each mile to the place of attendance from the place where he *or she* was served, and return. There shall be no mileage fee for travel wholly within a city.

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

7. Amount of Court Costs (CPLR 8201 - 8204)

The Committee recommends the amendment of the four sections governing court costs, to upgrade the amounts and to provide for uniform statewide application thereof in order to reduce the gap occasioned by inflation.

This measure would amend sections 8201, 8202, 8203, and 8204 of the CPLR to increase the amount of costs awardable in an action, on a motion, and on appeal to the Appellate Division and the Court of Appeals.

No change is proposed in the concept that costs provide only a partial reimbursement for the expenses incurred by a successful party; the amounts awardable, which have not been changed in many years, are adjusted principally to offset the effects of inflation over the last decade.

The policy underlying an award of costs is that the prevailing party should have some compensation for the expenses incurred in successfully asserting his rights in court. Only certain categories of out-of-pocket expenses are recoverable as "disbursements" (CPLR 8301); an award of costs provides partial reimbursement for general expenses and inconvenience incurred by the successful party. The sums allowed as costs, as set out in Article 82 of the CPLR, are nominal. These are not intended to represent full recovery of attorney's fees (*Harlan* v. *Weiner*, 80 Misc. 2d 723, 725 (Civil Court of the City of New York, New York County, Dec. 18, 1974)). Some New York courts have declined to allow the prevailing party in ordinary civil litigation to recover actual litigation expenses, even where the opposing party has asserted groundless claims or defenses (*Scully* v. *Genesee Milk Producer's Coop.*, 78 A.D.2d 982 (Fourth Dept. 1980)), "the theory being that costs awarded . . . is all the indemnity that the law allows..." *New York Pattern Jury Instructions-Civil*, vol. 2, p. 810.

Since the amounts allowable as costs have not been changed for many years, the nominal sums originally set have become absurdly low as a result of inflation. In 1951, the Civil Practice Act adopted the present format of awarding $25 for proceedings before the filing of a note of issue, $50 for all proceedings after a note of issue is filed and before trial, and $75 for each trial, inquest or assessment of damages. These categories and dollar amounts were carried forward when the CPLR was enacted in 1962. In 1972, a distinction was drawn between actions in the counties within the City of New York and elsewhere in the state, and the amounts were doubled as to those counties within the City of New York. There have been no changes at all in the amounts applicable to actions outside the City of New York.

For motions, costs were fixed at $10 for many decades and then increased to $20 when the CPLR was enacted in 1962. In 1972, the maximum costs on motions in counties within the City of New York were increasd to $40 while the maximum of $20 was preserved elsewhere.

The level of costs on appeals has remained the same for several decades.

With the rate of inflation experienced in the last fifteen years, the amounts now authorized as costs have lost what little significance they once had. This measure proposes modest across-the-board increases in these amounts so that victorious litigants may receive compensation for their expenses at a level closer to what originally was intended.

Under present law (CPLR 8201), costs in an action are made awardable in three stages and may vary, depending on whether the action is being litigated in New York City or elsewhere in the State. Thus, costs awardable for proceedings before the filing of a note of issue now are

established at $50 in New York City and $25 elsewhere; for proceedings between the filing of the note of issue and trial, they are $100 and $50 respectively. This measure would, at each stage, eliminate the distinction drawn between New York City and elsewhere, and establish uniform costs awardable in an action as follows: for the pre-note of issue stage, which has become more important in recent years as a result of the certificate of readiness requirement, $200; for the note of issue to trial stage, $200; and for the trial itself $300.

Costs on a motion (CPLR 8202) are fixed by the court, subject to a maximum of $40 in New York City and $20 elsewhere. Here again, this measure would eliminate the distinction drawn between New York City and elsewhere and establish $100 as the maximum costs awardable on a motion.

The maximum costs available on appeal to the Appellate Division (CPLR 8203(a)) are awardable in two stages: $25 for all pre-argument proceedings and $50 for argument. Maximum costs on appeal to the Court of Appeals (CPLR 8204) are similarly bifurcated: $50 for all pre-argument proceedings and $75 for argument. This measure would, in both cases, eliminate the two-stage award, and would establish $250 and $500 as the maximum costs awardable on appeal to the Appellate Division and to the Court of Appeals, respectively.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to amount of court costs

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-two hundred one of the civil practice law and rules, as separately amended by chapters seven hundred thirty-four and seven hundred thirty-five of the laws of nineteen hundred seventy-two, is amended to read as follows:

§8201. Amount of costs in an action. Costs awarded in an action shall be in the amount of:

1. [fifty] *two hundred* dollars [in the counties within the city of New York, and twenty-five dollars in all other counties,] for all proceedings before a note of issue is filed; plus

2. [one] *two* hundred dollars [in the counties within the city of New York, and fifty dollars in all other counties,] for all proceedings after a note of issue is filed and before trial; plus

3. [one] *three* hundred [fifty] dollars [in the counties within the city of New York, and seventy-five dollars in all other counties,] for each trial, inquest or assessment of damages.

§2. Section eighty-two hundred two of such law and rules, as separately amended by chapters seven hundred thirty-four and seven hundred thirty-five of the laws of nineteen hundred seventy-two, is amended to read as follows:

§8202. Amount of costs on motion. Costs awarded on a motion shall be in an amount fixed by the court, not exceeding [forty] *one hundred* dollars [in counties within the city of New York, and twenty dollars in all other counties].

§3. Subdivision (a) of section eighty-two hundred three of such law and rules, as separately amended by chapters three hundred ninety-one and seven hundred thirty-five of the laws of nineteen hundred seventy-two, is amended to read as follows:

(a) Unless the court awards a lesser amount, costs awarded on an appeal to the appellate division shall be in the amount of [: 1. twenty-five dollars for all proceedings before argument; plus 2. fifty dollars for argument] *two hundred fifty dollars.*

§4. Section eighty-two hundred four of such law and rules, as amended by chapter seven hundred thirty-five of the laws of nineteen hundred seventy-two, is amended to read as follows:

§8204. Amount of costs on appeal to court of appeals. Unless the court awards a lesser amount, costs awarded on an appeal to the court of appeals shall be in the amount of [: 1. fifty dollars for all proceedings before argument; plus 2. seventy-five dollars for argument] *five hundred dollars.*

§5. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law; provided, however, that its provisions shall apply only to bills of costs entered on or after such date, regardless of when the claim accrued or the action was commenced.

III. New or Modified Measures

1. Service of Process by Mail
(CPLR 306 (d); CPLR 312-a (new); CPLR 8301 (a) (11), (12) (new), (13) (renumbered); NYCCCA §1908 (f) (new); UDCA §1908 (f) (new); UCCA §1908 (f) (new); UJCA §1908 (f) (new)) (modified measure)

The Committee proposes the adoption of a provision permitting, as an alternative to the methods of personal service of process now set forth in the CPLR, personal service of process by mail. It adds a new CPLR 312-a, applicable to civil practice generally, and adds related and supplemental provisions for taxation of disbursements to the CPLR, the New York City Civil Court Act and the Uniform Court Acts.

Service of process by personal delivery has generated growing problems of expense to litigants. The frequency of traverses and of litigation concerning whether personal service actually was obtained, the frequent need to resort to substituted service, and recurring reports of sewer service, all add to the advisability of devising a cheaper, surer and more efficient means of personal service.

In its search for viable alternatives, the Advisory Committee was favorably impressed by its investigation of new Federal Rule 4 (c) (2) (C) (ii), enacted by Congress in 1983 (Pub. L. 97-462) and operative in the Federal courts since February 26, 1983. The rule provides for service of process by mail, with acceptance of such service optional with the defendant. Failure to acknowledge in a timely manner receipt and acceptance of service by the defendant requires the plaintiff to resort to other more expensive

methods of service, but with the defendant liable for the expense of service.

This method of service of process by mail has been successful in those courts where it currently is being used. The Committee is advised by the clerks' offices of the United States District Courts for the Southern and Eastern Districts of New York that mail service is working well and is used by a majority of attorneys. The Committee also is advised that the State courts in California have adopted this optional method of service. Service of process by mail now is universally used in the small claims courts throughout the state (as authorized by §1803 of the New York City Civil Court Act and the Uniform Court Acts), and the Committee has been advised that judges and attorneys involved in landlord and tenant matters favor the concept of service of process by mail.

This measure follows in large part the successful federal model, as improved by greater specificity to avoid some ambiguities pointed out in the federal scheme, as well by a few variations, specified within, intended to ameliorate possible abuses in certain actions based on consumer credit transactions. It provides that service of process may be made by mailing, by first class mail, postage prepaid, a copy of the summons and complaint or a copy of the summons and notice and that two copies of a statement of service by mail and instruction form and an acknowledgment of service form be enclosed, together with a self-addressed, stamped return envelope. It further provides that the acknowledgment must be completed and a copy mailed or delivered within 20 days of receipt. If no acknowledgment of service is received by the sender, the sender may resort to the other methods of service now prescribed by the CPLR.

Both the statement of service by mail and the acknowledgment of receipt form must be signed under penalty of perjury. The action is commenced and service is complete on the date the signed acknowledgment of receipt is mailed or delivered to the sender. The statement contains a warning that it is a crime to forge a signature or to make false entry on the statement or the acknowledgment. Both forms are to be subscribed and affirmed under penalty of perjury analogous to affirmations under CPLR 2106.

To encourage the acknowledgment of mail service, this measure provides that, if the acknowledgment is not returned to the sender, the court clerk is authorized to tax as a disbursement the expense of service of process by another method and to enter this as a judgment, unless an affidavit alleging nonservice of the summons and complaint or summons and notice is submitted in opposition. Court clerks are experienced in allowing reasonable expenses when taxing costs, and they will be guided in allowing this disbursement by receipted bills, by supporting affidavits, and, where necessary, by what their experience shows generally is charged for such service by process servers and publishers. Of course, a party against whom a judgment for such costs is to be entered may object, by affidavit, to the taxation of this disbursement, and, if such party prevails, this disbursement would not be added to the bill of costs. Where there is a default in appearance and, therefore, taxation of costs on judgment is permitted without prior notice (*see* CPLR 8402), a retaxation of costs readily can be obtained by the defendant under CPLR 8403 after service of the required subsequent notice.

Since Federal law restricts the taking of default judgment against persons in military service, the acknowledgment requires the person served to state whether he or she is in military service. If in service, such person is required to state his or her rank, serial number and branch of service in the space provided in the acknowledgment form. Failure to supply the required information would signify that such person is not in military service and thus facilitate the entry of a default judgment if no answer is served.

Special provision has been made, in consideration of suggestions made by consumer groups and the Attorney General, further to eliminate problems attendant upon defaults entered against poorer defendants who may not be represented by counsel, and to further guard against "sewer service." Thus, CPLR 312-a would provide that process shall be served by mail only by plaintiff, plaintiff's attorney or an employee of the attorney, thereby reducing the danger of sewer service. In addition, CPLR 312(c) (Disbursements) and the lower court provisions governing costs would provide that the amount to be taxed if mail service is unjustifiably unanswered, and another method of service is used, shall not exceed $25 in any action for money only for a sum not exceeding $3000 (the jurisdictional limit of Justice Court) where such action was based upon a consumer credit transaction. Appropriate note of this limit is made in the Instruction Form that is to be part of this statute and is to be mailed with process. CPLR 312(c) would provide further that taxation may be levied without regard to the outcome of the action, and new CPLR 312 (f) would provide that if the Acknowledgment of Service by Mail Form is not returned as required, and an alternate method of service follows, notice of the previous attempt to effect service by mail shall be set forth on the summons or papers served therewith.

The proposed method of personal service by mail is an optional and alternative method of personal service. The right to use other methods authorized by Article 3 of the CPLR is preserved, which is especially significant for those who wish to effect service immediately or who are concerned about the running of the statute of limitations.

This measure should facilitate and lessen the expense of making personal service in New York and result in a decrease in the litigation of issues of service.

Proposal

AN ACT

To amend the civil practice law and rules, the New York city civil court act, the uniform district court act, the uniform city court act and the uniform justice court act, in relation to service of process by mail

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (d) of section three hundred six of the civil practice law and rules, as amended by chapter three hundred ninety seven of the laws of nineteen hundred seventy-three, is amended to read as follows:

(d) Form. Proof of service shall be in the form of a certificate if the service is made by a sheriff or other authorized public officer [or], in the form of an affidavit if made by any other person, *or in the form of a signed*

acknowledgment of receipt of a summons and complaint or summons and notice as provided for in section 312-a.

§2. Such law and rules are amended to add a new section, to be section three hundred twelve-a, to read as follows:

§312-a. Personal service by mail. (a) Service. A summons and complaint or summons and notice may be served by the plaintiff, the plaintiff's attorney or an employee of the attorney by mailing to the person or entity to be served, by first class mail, postage prepaid, a copy of the summons and complaint or summons and notice, together with two copies of a statement of service by mail and acknowledgment of receipt in the form set forth in subdivision (e), with a return envelope, postage prepaid, addressed to the sender.

(b) Completion of service and time to answer. A person must complete the acknowledgment and mail or deliver a copy of it within twenty (20) days from the date of receipt. An action is commenced and service is complete on the date the signed acknowledgment of receipt is mailed or delivered to the sender.

(c) Disbursements. Unless good cause is shown for not returning the signed acknowledgment of receipt within twenty days after receipt of the documents mailed pursuant to subdivision (a), the reasonable cost of serving process by means other than mail shall be taxed by the court as a disbursement, without regard to the outcome of the action. The clerk of the court is authorized to tax the disbursement and to enter judgment upon the amount of the disbursement upon presentation of proof of such disbursement, unless an affidavit alleging nonreceipt of the summons or compliance with this section is submitted to the clerk. If the action is for money only and based upon a consumer credit transaction, and the amount demanded is not more than $3000, the maximum amount that may be taxed as a disbursement under the subdivision is twenty-five dollars.

(d) Affirmation. The signed acknowledgment of receipt shall constitute proof of service. The statement of service by mail and the acknowledgment of receipt of such service shall be subscribed and affirmed as true under penalties of perjury and shall have the same force and effect as an affidavit.

(e) Form. The statement of service by mail and the acknowledgment of receipt of such service shall be in substantially the following form:

Statement of Service by Mail and Acknowledgement of Receipt of Summons and Complaint or Summons and Notice by Mail

[*caption*]

Statement of Service by Mail

To: (insert the name and address of the person or entity to be served.) The enclosed summons and complaint, or summons and notice, are served pursuant to section 312-a of the Civil Practice Law and Rules.

To avoid being charged with the expense of service upon you, you must sign, date and complete the acknowledgment part of this form and mail or deliver one copy of the completed form to the sender within twenty (20) days from the date you receive it. If you wish to consult an attorney, you should do so as soon as possible before the twenty (20) days expire.

If you do not complete and return the form to the sender within twenty (20) days, you (or the party on whose behalf you are being served) may be required to pay expenses incurred in serving the summons and complaint or summons and notice in any other manner permitted by law, and the cost of such service as permitted by law may be entered as a judgment against you.

The return of this statement and acknowledgment does not relieve you of the necessity to answer the complaint or notice. The time to answer expires twenty (20) days after the day you mail or deliver this form to the sender.

If you are served on behalf of a corporation, unincorporated association, partnership or other entity, you must indicate under your signature your relationship to the entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

It is a crime to forge a signature or to make a false entry on this statement or on the acknowledgment.

I affirm as true, under penalty of perjury, that this Statement of Service by Mail and Acknowledgment of Receipt of Summons and Complaint or Summons and Notice will have been mailed on (insert date).

_____

Signature

_____

Print name

_____

Address

Acknowledgment of Receipt of Summons and Complaint or Summons and Notice

I received a summons and complaint, or summons and notice, in the above-captioned matter at (insert address).
PLEASE CHECK ONE OF THE FOLLOWING; IF 2 IS CHECKED, COMPLETE AS INDICATED:

1. ☐ I am not in military service.

2. ☐ I am in military service, and my rank, serial number and branch of service are as follows:

Rank _____

Serial Number _____

Branch of Service _____

Date: _____
(Date this Acknowledgment is executed)

I affirm the above as true under penalty of perjury.

_____

Signature

_____

Print name

_____

Relationship to Entity/ Authority to Receive Service of Process

(f) Subsequent service. Where a duly executed acknowledgment is not returned, upon the subsequent service of process in another manner permitted by law, the summons or paper served with the summons shall indicate that an attempt previously was made to effect service pursuant to this section.

§3. Paragraph eleven of subdivision (a) of section eighty-three hundred one of such law and rules is amended to read as follows:

11. The reasonable expenses actually incurred in securing an undertaking to stay enforcement of a judgment subsequently reversed; [and]

§4. Subdivision (a) of section eighty-three hundred one of such law and rules is amended to renumber paragraph twelve as paragraph thirteen, and to insert a new paragraph twelve, to read as follows:

12. The reasonable expenses actually incurred, but not more than twenty-five dollars in action for money only based upon a consumer credit transaction where the amount demanded is not more than $3000, in serving a summons and complaint or summons and notice when the party to be served fails to return a duly executed acknowledgment of service by mail made pursuant to section 312-a; and

§5. Section nineteen hundred eight of the New York city civil court act is amended to reletter subdivision (f) as subdivision (g) and to insert a new paragraph (f), to read as follows:

(f) The reasonable expenses actually incurred, but not more than twenty-five dollars in an action for money only based upon a consumer credit transaction where the amount demanded is not more than $3000, in serving a summons and complaint or summons and notice when the party to be served fails to return a duly executed acknowledgment of service by mail made pursuant to section 312-a of the CPLR.

§6. Section nineteen hundred eight of the uniform district court act is amended to reletter subdivision (f) as subdivision (g), and to insert a new subdivision (f) to read as follows:

(f) The reasonable expenses actually incurred, but not more than twenty-five dollars in an action for money only based upon a consumer credit transaction where the amount demanded is not more than $3000, in serving a summons and complaint or summons and notice when the party to be served fails to return a duly executed acknowledgment of service by mail made pursuant to section 312-a of the CPLR.

§7. Section nineteen hundred eight of the uniform city court act is amended to reletter subdivision (f) as subdivision (g), and to insert a new subdivision (f), to read as follows:

(f) The reasonable expenses actually incurred, but not more than twenty-five dollars in an action for money only based upon a consumer credit transaction where the amount demanded is not more than $3000, in serving a summons and complaint or summons and notice when the party to be served fails to return a duly executed acknowledgment of service by mail made pursuant to CPLR 312-a.

§8. Section nineteen hundred eight of the uniform justice court act is amended to reletter subdivision (f) as subdivision (g), and to insert a new subdivision (f), to read as follows:

(f) The reasonable expenses actually incurred, but not more than twenty-five dollars in an action for money only based upon a consumer credit transaction where the amount demanded is not more than $3000, in serving a summons and complaint or summons and notice when the party to be served fails to return a duly executed acknowledgment of service by mail made pursuant to CPLR 312-a.

§9. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

2. Personal Service Upon a Natural Person (CPLR 308 (2) (4)) (new measure)

The Committee recommends that CPLR 308 (2) (4) be amended to improve and clarify the procedure for completion and filing of service of process thereunder. This recommendation is based upon a suggestion of the Association of Justices of the Supreme Court of the State of New York.

CPLR 308 (2) provides for an alternative to personal delivery by leaving the summons with a person of suitable age and discretion at the defendant's actual place of business, dwelling place or usual place of abode, and by mailing the summons to the defendant at his or her last known residence. CPLR 308 (4) provides that where neither service by personal delivery nor "leave and mail" service can be effected with due diligence, service may be completed by affixing the summons to the door of defendant's actual place of business, dwelling place or usual place of abode, and by mailing the summons to defendant's last known residence. Each subdivision further provides that within twenty days thereafter proof of such service shall be filed with the clerk of the appropriate court, and that service is completed ten days after filing.

Left unstated in each of the respective provisions is the time within which the leaving and mailing or the mailing and nailing shall be effected. This may give rise to an undesirable time lapse between the leaving and mailing or between the nailing and mailing of the summons and, ultimately, to an undesirable delay in completion of service and final disposition. In order to eliminate the potential for such delay, it is recommended that provision be made so that, under subdivision (2), both the leaving and the mailing be effected within twenty days of each other, and under subdivision (4), both the nailing and the mailing also be effected within twenty days of each other. By so limiting the time for completion of both steps in each instance, the proposal would result in reduction of delay in filing and completion of service under the cited subdivisions. Incidental conforming language would be substituted in both provisions.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to personal service upon a natural person

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section three hundred eight of the civil practice law and rules, as amended by chapter seven hundred sixty-five of the laws of nineteen hundred seventy-four, is amended to read as follows:

2. By delivering the summons within the state to a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode of the person to be served and by mailing the summons to the person to be served at his last known residence, *such delivery and mailing to be effected within twenty days of each other;* proof of such service shall be filed [within twenty days thereafter] with the clerk of the court designated in the summons [;] *within twenty days of either such delivery or mailing, whichever is effected later;* service shall be complete ten days after such filing; proof of service shall identify such person of suitable age and discretion and state the date, time and place of service, except in matrimonial actions where service hereunder may be made pursuant to an order made in accordance with the provisions of subdivision a of section two hundred thirty-two of the domestic relations law; or

§2. Subdivision four of section three hundred eight of such law and rules, as amended by chapter seven hundred sixty-five of the laws of nineteen hundred seventy-four, is amended to read as follows:

4. Where service under paragraphs one and two cannot be made with due diligence, by affixing the summons to the door of either the actual place of business, dwelling place or usual place of abode within the state of the person to be served and by mailing the summons to such person at his last known residence, *such affixing and mailing to be effected within twenty days of each other;* proof of such service shall be filed [within twenty days thereafter] with the clerk of the court designated in the summons [;] *within twenty days of either such affixing or mailing, whichever is effected later;* service shall be complete ten days after such filing, except in matrimonial actions where service hereunder may be made pursuant to an order made in accordance with the provisions of subdivision a of section two hundred thirty-two of the domestic relations law;

§3. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

3. Validity of service of process in certain circumstances (CPLR 308) (last, undesignated paragraph) (new measure)

The Committee recommends that CPLR 308 be amended by adding a new undesignated paragraph at the end of the section to provide that if a good faith effort has been undertaken to make service pursuant to subdivision 2, or subdivision 4 when applicable, and one of the two acts of service prescribed has not been effected, a showing that the defendant has obtained actual notice through the other act shall be sufficient to sustain the service. Of course, completion of service in such a case would include the filing of proof of service with the clerk of court.

In the interest of basic fairness, the proposal is designed in a carefully limited manner to prevent recurrence of the harsh outcome of *Feinstein* v. *Bergner*, 48 N.Y. 2d 234 (1978). In that wrongful death action, the plaintiff-widow, having failed, after a diligent attempt, to comply with the service requirement of CPLR 308 (2) (deliver and mail), was relegated to, and with due diligence tried unsuccessfully to comply with, subdivision 4 thereof (affix and mail). The Court of Appeals, with a strong dissent, held that, even though defendant had in fact received timely notice and the limitations period had shortly thereafter elapsed, the service was fatally defective because, while plaintiff had properly mailed process to defendant's "last known residence," she had not satisfied the additional requirement of affixing process to the door of defendant's "dwelling place" or "usual place of abode," affixing it rather to the door of his "last known residence," for she had no reason to believe it was not his "dwelling place" or "usual place of abode."

The result in *Feinstein* makes it clear that the text of the cited subdivision is not flexible enough to provide the full measure of justice desired in such troublesome, even if infrequent, situations. While subdivisions 2 and 4 will correctly remain as the appropriate general standard in most cases where utilized, the proposed new paragraph would extend justifiable relief under exceptional circumstances such as those in the *Feinstein* case.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to the validity of service of process in certain circumstances

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred eight of the civil practice law and rules, as amended by chapter seventy-seven of the laws of nineteen hundred eighty-six, is amended by adding thereto, at the end thereof, a new undesignated paragraph, to read as follows:

If a good faith effort has been undertaken to make service pursuant to subdivision two, or subdivision four when applicable, and one of the two acts of service prescribed has not been validly effected, a showing that the defendant has obtained actual notice through the other act shall be sufficient to sustain the service.

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

4. Disclosure (CPLR Article 31) (modified measure)

The Committee recommends the general revision of CPLR Article 31 (Disclosure) in order to ensure fairness to litigants and to effect the expeditious disposition of civil actions.

This measure would amend Article 31 of the Civil Practice Law and Rules (Disclosure) to ensure (1) liberalization of disclosure, (2) reduction of motion practice by more informal procedures and (3) greater statewide uniformity in disclosure proceedings.

An explanatory commentary upon this measure follows:

Section 3101

Subdivision (a)

The preamble of subdivision (a) of section 3101 would

be clarified to permit disclosure of "matter" that is material and necessary, conforming to the standard set forth in *Allen* v. *Crowell-Collier Publishing Co.*, 21 N.Y. 2d 403 (1968).

With respect to matrimonial actions and custody and visitation proceedings, however, the Committee does not intend to affect existing or evolving statutes and decisional law as to the availability of disclosure.

While the Advisory Committee is recommending liberalization of disclosure and the streamlining of disclosure procedures, it notes that adequate protection against abuse of disclosure procedures is afforded by the power of the court under section 3103 (a) to make a protective order "to prevent unreasonable annoyance, expense, embarrassment, disadvantage, or other prejudice to any person or the courts" by the requirement for special circumstances under section 3101 (a) (3) or for a statement of circumstances or reasons for disclosure under section 3101 (a) (4).

Section 3101 (a) (3) would be amended to list persons authorized to practice dentistry or podiatry so that it technically conforms to section 3101 (d) (1) (i) (ii) which relates to disclosure by medical, dental and podiatric experts, as enacted respectively by Chapter 294 of the Laws of 1985 and Chapter 485 of the Laws of 1986.

Subdivision (b)

Subdivision (b) would be clarified to provide that the privilege in question may be invoked not only by a party to the action but also by any other person entitled to the privilege.

Subdivision (h)

The CPLR does not contain a provision comparable to Fed. R. Civ. P. 26 (e) explicitly requiring a party under certain circumstances promptly to supplement or amend responses to disclosure requests. New subdivision (h) would incorporate the substance of the federal rule, which, the Committee believes, establishes a reasonable balance between the need to maintain the integrity of responses to disclosure requests and the need to avoid imposing on a party a burdensome obligation to review and update on a continuing basis responses to disclosure requests. New subdivision (h) would apply to all disclosure devices. Provision is made, tracking CPLR 3101 (d) (1) (i) as enacted by Chapter 294 of the Laws of 1985, for introduction of evidence at trial in the court's discretion where the information was received too close to trial to provide sufficient time for amendment of the response.

Rule 3102(c)

The requirement for the recording of depositions and documents obtained for an action involving title to real property would be deleted. The Committee believes that the inconvenience of such recording and the possibility that it might create an unjustified cloud on title to property outweighs what little benefit such recording might have in alerting title searchers to any claim involving title to the property in question.

Section 3102(f)

Subdivision (f) would be amended to strike the prohibition against using interrogatories or requests for admissions against the State as party in light of *Vista Business Equipment, Inc.* v. *State of New York*, N.Y.L.J., p.12, col. 3, 1/23/86 (Court of Claims).

Section 3103(a)

Subdivision (a) would be amended to make it clear that any person who is the subject of a discovery request, whether or not a party or a witness, is entitled to move for a protective order.

Rule 3113(a) (2)

The amendment would eliminate a formal discrepancy between federal and state practice created by the 1980 amendment to Fed. R. Civ. P. 28(a).

Rule 3116(a)

The amendment would in effect extend the 1978 amendment of subdivision (a) to eliminate the requirement that a deposition be signed by the officer before whom it was taken if the witness fails or refuses to sign it. The requirement, which is inconvenient to comply with if the officer is not readily located, serves no significant purpose, since the officer must in any event rely upon representations or statements of a party or the witness as to the fact that the latter failed or refused to sign the deposition and the reasons therefor.

Rule 3120(a)

The purpose of the requirement in Rule 3120(a) that a party designate the items he or she seeks to inspect should be to enable the party served with the notice to determine what items are requested and to enable the court to determine whether the requested items have been produced. *Cf.* 8 Wright & Miller, *Federal Practice and Procedure* §2211 at 631. The present requirement that the requested items be "specifically" designated lends itself to a restrictive interpretation under which technical defects may frustrate reasonable discovery requests. In addition, a party frequently must conduct a deposition in order to obtain the information enabling that party to designate the requested items with the required specificity. *See, e.g., King* v. *Morris*, 57 A.D.2d 530 (1st Dept. 1977). This result has been justified on the theory that the deposition may be necessary for proper resolution of objections to the discovery request. *Rios* v. *Donovan*, 21 A.D.2d 409, 413-14 (1st Dept. 1964). The Committee believes that a party who can reasonably identify a requested item or category of items should not need to conduct a deposition in order to establish the existence and specific identities of the requested items. In most instances, the Committee believes, pretrial discovery will be conducted more efficiently and effectively if a party can obtain materials for use in preparing for a deposition. If the party to whom the request is made objects on the ground that it is unduly burdensome, includes materials which are not discoverable, or is improper in some similar respect, the party should state the objections pursuant to Rule 3122 "rather than seeking shelter behind a claim of insufficient designation." 8 Wright & Miller, *supra*, at 634.

Rule 3122

The amendment of Rule 3122 is intended to reduce the volume of motion practice arising out of disclosure procedures by eliminating the requirement that objections

to requests for production of documents or other things or for physical or mental examinations be made by motion. The Committee believes that the notice procedure required by the amendment would encourage parties to resolve disputes concerning such requests without court intervention. In the event that a dispute is not so resolved, the party seeking disclosure may move for an order compelling disclosure pursuant to the proposed new Section 3124.

The proposed amendment to Rule 3122 also would enlarge the time for objecting to a disclosure request.

Rule 3124 (new)

The text of what is now Rule 3124 would be revised to achieve greater clarity and simplicity and to delete the requirement that a person move for a protective order in order to preserve objections to a disclosure request. This should encourage parties to resolve disputes over disclosure matters on their own without resort to the Court and also should serve to narrow the scope of motions regarding disclosure matters, since ordinarily the motion would be made as a motion to compel disclosure after the person from whom disclosure was sought had complied with so much of the disclosure request as to which no objection was raised. Such narrowing of issues, particularly under IAS, would help to speed up the disposition of cases.

The reference to the right of a party to obtain local remedies for failure to comply with a disclosure request would be deleted as unnecessary; the Committee does not intend to suggest that Section 3124 preempts other applicable law.

Section 3126

The substitution of the clause "this article" for "notice duly served" would make it clear that a wilful failure to disclose information within the meaning of section 3126 includes a willful failure to amend or supplement a response to a disclosure request as required under new subdivision (h) of section 3101.

Section 3130(1)

Present subdivision (1) of section 3130, as separately amended by Chapters 257 and 467 of the Laws of 1986, would be repealed. New subdivision (1) of section 3130 would be enacted, without the language which, as was noted when it was added in 1979, *see* 3A Weinstein, Korn & Miller N.Y. Civ. Prac. §3130.02, perpetuates an unjustified distinction between negligence and wrongful death actions and other types of actions.

Rule 3132

The first sentence of Rule 3132 would be deleted in view of the first sentence of subdivision (1) of section 3130. The prescriptive period during which a plaintiff may not serve interrogatories upon a defendant would be revised to parallel the amendment of Rule 3106. The amendment also would delete, as an unnecessary formality, the requirement that a defendant obtain leave of court in order to serve interrogatories upon the plaintiff within five days of service of the summons and complaint, and would conform Rule 3132 to Rule 3106 by removing the clause permitting a party to obtain special priority through an *ex parte* motion.

Rule 3133

The amendment of Rule 3133 would consolidate present Rules 3133 and 3134. Paralleling the proposed amendment of Rule 3122, subdivision (a) of Rule 3133 would be amended to eliminate the requirement that an objection to an interrogatory be made by motion. Subdivision (b) of Rule 3133 would be deleted as unnecessary in light of the amendment of subdivision (a).

Rule 3134

Rule 3134 would be deleted since its provisions would be incorporated into the amended Rule 3133.

Section 3140

Section 3140 would be amended to correct a misspelling in the caption and to clarify that the responsibility for making procedural rules governing the exchange of appraisal reports is vested in the Chief Administrator of the Courts in conformity with Judiciary Law, section 212(2)(d). *(See also* 22 NYCRR 202.59, 202.60, 202.61). This amendment also is in furtherance of one of the purposes of this measure, the assurance of greater statewide uniformity with respect to disclosure procedures.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to disclosure

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions (a) and (b) section thirty-one hundred one of the civil practice law and rules, paragraph three of subdivision (a) as amended by chapter two hundred sixty-eight of the laws of nineteen hundred seventy-nine, and paragraph four of subdivision (a) as amended by chapter two hundred ninety-four of the laws of nineteen hundred eighty-four, are amended to read as follows:

(a) Generally. There shall be full disclosure of all [evidence] *matter* material and necessary in the prosecution or defense of an action, regardless of the burden of proof, by:

(1) a party, or the officer, director, member, agent or employee of a party;

(2) a person who possessed a cause of action or defense asserted in the action;

(3) a person about to depart from the state, or without the state, or residing at a greater distance from the place of trial than one hundred miles, or so sick or infirm as to afford reasonable grounds of belief that he will not be able to attend the trial, or a person authorized to practice medicine, *dentistry or podiatry* who has provided medical, *dental or podiatric* care or diagnosis to the party demanding disclosure, or who has been retained by him as an expert witness; and

(4) any other person, upon notice stating the circumstances or reasons such disclosure is sought or required.

(b) Privileged matter. Upon objection by a party, *or by a person entitled to the privilege*, privileged matter shall not be obtainable.

§2. Section thirty-one hundred one of such law and rules is amended by adding a new subdivision to be subdivision (h), to read as follows:

(h) Amendment or supplementation of responses. A party who has responded to a request for disclosure promptly shall amend or supplement the response upon the party's thereafter obtaining information that the response was incorrect or incomplete when made, or that the response, though correct and complete when made, no longer is correct and complete, and the circumstances are such that a failure to amend or supplement the response would be materially misleading. Where a party obtains such information an insufficient period of time before the commencement of trial appropriately to amend or supplement the response, the party shall not thereupon be precluded from introducing evidence at the trial solely on grounds of noncompliance with this subdivision. In that instance, upon motion of any party, made before or at trial, or on its own initiative, the court may make whatever order may be just. Further amendment or supplementation may be obtained by court order.

§3. Subdivision (c) of rule thirty-one hundred two of such law and rules is amended to read as follows:

(c) Before action commenced[; real property actions]. Before an action is commenced, disclosure to aid in bringing an action, to preserve information or to aid in arbitration, may be obtained, but only by court order. The court may appoint a referee to take testimony. [Where such disclosure is obtained for use in an action involving title to real property the deposition or other document obtained shall be promptly recorded in the office of the clerk of the county in which the real property is situated.]

4. Subdivision (f) of section thirty-one hundred two of such law and rules, as amended by chapter two hundred ninety-four of the laws of nineteen hundred eighty-four, is amended to read as follows:

(f) Action to which state is party. In an action to which the state is properly a party, whether as plaintiff, defendant or otherwise, disclosure by the state shall be available as if the state were a private person[, except that it may not include interrorgatories or requests for admission].

§5. Subdivision (a) of section thirty-one hundred three of such law and rules is amended to read as follows:

(a) Prevention of abuse. The court may at any time on its own initiative, or on motion of any party [or witness] *or of any person from whom discovery is sought*, make a protective order denying, limiting, conditioning or regulating the use of any disclosure device. Such order shall be designed to prevent unreasonable annoyance, expense, embarrassment, disadvantage, or other prejudice to any person or the courts.

§6. Paragraph two of subdivision (a) of rule thirty-one hundred thirteen of such law and rules is amended to read as follows:

2. without the state but within the United States or within a territory or possession subject to the [dominion] *jurisdiction* of the United States, a person authorized to take acknowledgments of deeds outside of the state by the real property law of the state or to administer oaths by the laws of the United States or of the place where the deposition is taken; and

§7. Subdivision (a) of rule thirty-one hundred sixteen of such laws and rules, as amended by chapter two hundred ninety-two of the laws of nineteen hundred seventy-eight, is amended to read as follows:

(a) Signing. The deposition shall be submitted to the witness for examination and shall be read to or by him, and any changes in form or substance which the witness desires to make shall be entered at the end of the deposition with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness before any officer authorized to administer an oath[, except that a witness who is an adverse party shall not be required to sign such deposition upon thirty days prior written notice to return the examination signed]. If [a] *the* witness[, other than an adverse party,] fails to sign the deposition, [the officer before whom the deposition was taken shall sign it and state on the record the fact of the witness' failure or refusal to sign, together with any reason given. The deposition] *it* may [then] be used as fully as though signed.

§8. Subdivision (a) of rule thirty-one hundred twenty of such law and rules, as redesignated by chapter three hundred fifteen of the laws of nineteen hundred sixty-two, and as amended by chapter two hundred ninety-four of the laws of nineteen hundred eighty-four, is amended to read as follows:

(a) As against party:

1. After commencement of an action, any party may serve on any other party notice:

(i) to produce and permit the party seeking discovery, or someone acting on his behalf, to inspect, copy, test or photograph any [specifically] designated documents or any things which are in the possession, custody or control of the party served [, specified with reasonable particularity in the notice]; or

(ii) to permit entry upon designated land or other property in the possession, custody or control of the party served for the purpose of inspecting, measuring, surveying, sampling, testing, photographing or recording by motion pictures or otherwise the property or any [specifically] designated object or operation thereon.

2. The notice shall specify the time, which shall be not less than twenty days after service of the notice, and the place and manner of making the inspection, copy, test or photograph, or of the entry upon the land or other property *and, in the case of an inspection, copying, testing or photographing, shall set forth the items to be inspected, copied, tested or photographed by individual item or by category, and shall describe each item and category with reasonable particularity.*

§9. Rule thirty-one hundred twenty-two of such law

and rules, as amended by chapter eighty of the laws of nineteen hundred seventy-nine, is amended to read as follows:

Rule 3122. Objection to [discovery] *disclosure*, inspection or examination. Within [ten] *twenty* days of service of a notice under rule 3120 or section 3121, [a] *the* party [may serve a notice of motion for a protective order, specifying his objections] *to whom the notice is directed, if that party objects to the disclosure, inspection or examination, shall serve a response which shall state with reasonable particularity the reasons for each objection. If objection is made to part of an item or category, the part shall be specified. The party seeking disclosure under rule 3120 or section 3121 may move for an order under rule 3124 with respect to any objection to, or other failure to respond to or permit inspection as requested by, the notice or any part thereof.*

§10. Rule thirty-one hundred twenty-four of such law and rules is REPEALED, and a new section thirty-one hundred twenty-four is added, to read as follows:

§3124. Failure to disclose; motion to compel disclosure. If a person fails to respond to or comply with any request, notice, interrogatory, demand, question or order under this article, except a notice to admit under section 3123, the party seeking disclosure may move to compel compliance or a response.

§11. Section thirty-one hundred twenty-six of such law and rules, as amended by chapter forty-two of the laws of nineteen hundred seventy-eight, is amended to read as follows:

§3126. Penalties for refusal to comply with order or to disclose. If any party, or a person who at the time a deposition is taken or an examination or inspection is made [,] is an officer, director, member, employee or agent of a party or otherwise under a party's control, refuses to obey an order for disclosure or willfully fails to disclose information which the court finds ought to have been disclosed pursuant to [notice duly served] *this article*, the court may make such orders with regard to the failure or refusal as are just, among them:

1. an order that the issues to which the information is relevant shall be deemed resolved for purposes of the action in accordance with the claims of the party obtaining the order; or

2. an order prohibiting the disobedient party from supporting or opposing designated claims or defenses, from producing in evidence designated things or items of testimony, or from introducing any evidence of the physical, mental or blood condition sought to be determined, or from using certain witnesses; or

3. an order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or any part thereof, or rendering a judgment by default against the disobedient party.

§12. Subdivision one of section thirty-one hundred thirty of such law and rules, as separately amended by chapters two hundred fifty-seven and four hundred sixty-seven of the laws of nineteen hundred eighty-six, is REPEALED, and a new subdivision one of section thirty-one hundred thirty is enacted, to read as follows:

1. Except as otherwise provided herein, after commencement of an action, any party may serve written interrogatories upon any other party. Except in a matrimonial action, a party may not serve written interrogatories on another party and also demand a bill of particulars of the same party pursuant to section 3041 without leave of court.

§13. Rule thirty-one hundred thirty-two of such law and rules, as added by chapter four hundred twenty-two of the laws of nineteen hundred sixty-three, is amended to read as follows:

Rule 3132. [Service] *Normal priority* of interrogatories. [After commencement of an action, any party may serve upon any other party written interrogatories.] If service *of written interrogatories* is made by any plaintiff upon any defendant [within twenty days after service upon him of the summons and complaint, or service is made by any defendant upon the plaintiff within five days after service upon him of the summons and complaint] *before that defendant's time for serving a responsive pleading has expired*, leave of court [granted with or without notice] *on motion with notice* must be obtained. A copy of the interrogatories and of any order made under this rule shall be served on each party.

§14. Rule thirty-one hundred thirty-three of such law and rules, as added by chapter four hundred twenty-two of the laws of nineteen hundred sixty-three, is amended to read as follows:

Rule 3133. [Objections] *Service of answers or objections* to interrogatories. (a) [When objection may be made] *Service of an answer or objection.* Within [ten] *twenty* days after service of interrogatories, the party upon whom they are served [may move upon notice to strike out any interrogatory, stating the grounds for objection.

(b) Suspension pending ruling. The answer to any interrogatory to which objection is made shall be deferred until the objections are ruled on by the court] *shall serve upon each of the parties a copy of the answer to each interrogatory, except one to which the party objects, in which event the reasons for the objection shall be stated with reasonable particularity.*

(b) Form of answers and objections to interrogatories. Interrogatories shall be answered in writing under oath by the party upon whom served, if an individual, or, if the party served is a corporation, a partnership or a sole proprietorship, by an officer, director, member, agent or employee having the information. Each question shall be answered separately and fully, and each answer shall be preceded by the question to which it responds. Objections to interrogatories shall be signed by the attorney for the party making them.

(c) Amended answers. Except with respect to amendment or supplementation of responses pursuant to subdivision (h) of section 3101, answers to interrogatories may be amended or supplemented only by order of the court upon motion.

§15. Rule thirty-one hundred thirty-four of such law and rules is REPEALED.

§16. Section thirty-one hundred forty of such law and rules, as added by chapter six hundred forty of the laws of nineteen hundred sixty-seven, is amended to read as follows:

§3140. Disclosure of appraisals in proceedings for [condemnanation] *condemnation,* appropriation or review of tax assessments. Notwithsanding the provisions of subdivisions (c) and (d) of section 3101, the [appellate division in each judicial department] *chief administrator of the courts* shall adopt rules governing the exchange of appraisal reports intended for use at the trial in proceedings for condemnation, appropriation or review of tax assessments.

§17. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

REPEAL NOTE: Rule 3124, relating to motion to compel disclosure, would be REPEALED and replaced by new section 3124. Rule 3134, relating to answers to interrogatories, would be REPEALED and the matter inserted in section 3133.

5. Stay of Enforcement on Appeal (CPLR 5519(a) (e)) (modified measure)

The Court of Appeals and the Committee recommend that the provisions governing the automatic stay of enforcement pending appeal be improved by necessary additions, appropriate detail and fuller integration.

The proposal would amend CPLR 5519 (a) (Stay without court order) and CPLR 5519(e) (Continuation of stay), to complete, integrate and otherwise improve the provisions on stay of enforcement pending appeal, without court order, through successive tiers of appellate courts. Although intended to mesh with each other in spelling out a continuing process marked by symmetry, precision and clear and necessary detail, the present provisions fall short of the mark, calling for correction. This bill would start by striking the second and third sentences of CPLR 5519(e), clearing the way for an improved text as described hereafter.

First, the proper balance would be effected as between CPLR 5519(a) and CPLR 5519(e), by naming in each the full array of procedures by which the stay of enforcement on appeal is initiated and then continued. CPLR 5519(a) provides for initiation of the stay by service of a notice of appeal or an affidavit of intention to move for permission to appeal on the adverse party. It would be amended to add the motion for permission to appeal. CPLR 5519(e), which fails to designate the affidavit of intention to move as a device for continuing the stay, would be completed by striking the second sentence and adding a new one naming all three devices, the notice of appeal, the motion for permission to appeal and the affidavit of intention to move for permission to appeal. Left intact is the first sentence of CPLR 5519(e) which states the general rule that the stay continues for five days after service upon the appellant of the order of affirmance or modification with notice of entry in the court to which appeal was taken.

Second, continuing from where the first sentence leaves off, the existing provisions of the second and third sentences of CPLR 5519(e) would be clarified, integrated and completed in the proposed new second, third and fourth sentences to elaborate as follows: (a) the stay, where appeal is pursued through first level and successive appellate levels, continues until five days after service of the order determining the appeal, or denying the motion for permission to appeal, with notice of entry; and where the motion is granted, the stay shall continue until five days after service of the order determining the appeal with notice of entry; (b) the court may provide otherwise than as prescribed with respect to the duration of the continued stay in all the above instances, a proposal which would allow a practical measure of flexibility. A new fifth sentence would provide that where the appeal, whether as of right or by leave, is one determined by the Court of Appeals, such stay shall continue until five days after service by counsel of a copy of the court's remittitur determining the appeal, thereby giving notice to unique Court of Appeals practice where a remittitur rather than an order is issued.

Third, to lay to rest a recurring argument on appeal that an appellant loses any right to a stay initiated under CPLR 5519(a) when he or she subsequently fails to take the required action under CPLR 5519(e) to continue such stay, a new sixth sentence would be added to CPLR 5519(e) expressly to clarify that the automatic stay originally obtained under CPLR 5519(a), on first-level appeal, may still be resurrected, on further appeal, by taking timely and appropriate action under CPLR 5519(a).

Fourth, since neither CPLR 5519(a) nor CPLR 5519(e) establishes the time at which the stay expires when an affidavit of intention to move for permission to appeal is served, but no motion for permission to appeal is made, a new seventh sentence, harmonizing with CPLR 5519(b), would be added to subdivision (e), and therein made applicable also to subdivision (a), to provide that where such affidavit is served, but no such motion made, the stay will expire at the close of the thirtieth day after the order sought to be appealed from with notice of entry is served.

The foregoing proposals would better integrate CPLR 5519(a) and CPLR 5519(e), as well as add the clarity, economy, cohesion, and detail required for full effectiveness.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to stay on appeal

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The opening paragraph of subdivision (a) of section fifty-five hundred nineteen of the civil practice law and rules is amended to read as follows:

Service upon the adverse party of a notice of appeal, *a motion for permission to appeal* or an affidavit of intention to move for permission to appeal stays all proceedings to enforce the judgment or order appealed from pending the appeal or determination on the motion for permission to appeal where:

§2. Subdivision (e) of section fifty-five hundred nineteen of such law and rules, as amended by chapter two hundred thirty-nine of the laws of nineteen hundred seventy-nine, is amended to read as follows:

(e) Continuation of stay. If the judgment or order appealed from is affirmed or modified, the stay shall continue for five days after service upon the appellant of the order of affirmance or modification with notice of its entry in the court to which the appeal was taken. If [an appeal is taken, or a motion is made for permission to appeal, from such an order before the expiration of the five days, the stay shall continue until five days after service of notice of the entry of the order determining such appeal or motion. When a motion for permission to appeal is involved, the stay, or any other stay granted pending determination of the motion for permission to appeal, shall:

(i) if the motion is granted, continue until five days after the appeal is determined; or

(ii) if the motion is denied, continue until five days after the movant is served with the order of denial with notice of its entry] *a notice of appeal, or a motion for permission to appeal, or an affidavit of intention to move for permission to appeal from such order is served upon the adverse party before the expiration of the five days, the stay shall continue, unless the order determining the appeal or motion otherwise provides, until five days after service with notice of entry of the order determining the appeal or denying the motion. Where a successive appeal or motion for permission to appeal is available and notice of that appeal or motion or affidavit of intention to move for permission to appeal is served on the adverse party within such latter five-day period, the stay shall continue as provided above. Where the motion is granted, the stay shall continue until five days after service with notice of entry of the order determining the appeal unless that order otherwise provides. Where the appeal, whether as of right or by leave, is one determined by the court of appeals, the stay shall continue until five days after service by counsel of a copy of the court's remittitur determining the appeal. The failure of a party possessing an automatic stay under subdivision (a) of this section to obtain a continuation of such stay pursuant to this subdivision shall not preclude that party from thereafter obtaining a new stay by again complying with the applicable provisions of subdivison (a) of this section. If, after serving an affidavit of intention to move for permission to appeal, under this subdivision or subdivision (a) of this section, the party who seeks permission does not serve and file such motion within thirty days after service with notice of entry upon that party of the order sought to be appealed from, the stay shall expire at the close of such thirtieth day.*

§3. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

6. Notification of Application for Temporary Restraining Order (CPLR 6313(a)) (modified measure)

The Committee recommends that CPLR 6313(a) be amended to regularize the giving of notification to other parties upon application for a temporary restraining order, thereby curtailing unwarranted *ex parte* orders for such relief by introducing a simple and expeditious method that also would provide for TROs without such notification when appropriate.

This measure would provide that the application for a TRO shall be made on notification to the other parties unless the plaintiff shows, by affidavit or affirmation, that the giving of notification, even if by telephone or other direct communication, is impracticable or would defeat the purpose of the order. If the court grants the TRO without notification, the court shall state in the order the reason for dispensing with notification. The term "notification" is used in preference to the term "notice" to make it clear that the notification to other parties required upon application for a TRO is not the formal eight days' notice required for a formal motion.

The aim of a preliminary injunction is to prevent irreparable injury or to preserve the status quo between parties to litigation pending final judgment. The aim of a temporary restraining order is to accomplish the same ends while application is being made for a preliminary injunction. Given this function, it is frequently assumed that each instance of an application for a temporary restraining order is one in which the urgency of the interim injunctive relief being sought is too great to allow for time spent to notify the other side. The experience of most judges, however, suggests that while occasionally there is a showing of an exigency warranting completely dispensing with such notice, many cases involve no such urgency, and no prejudice will ensue to any party where steps are taken to give notification of the application for the order.

This measure is designed to expedite the entire procedure for obtaining a TRO while providing for notification to other parties. Prior notifiction should be regarded as the norm, thereby avoiding a two-step procedure under which notification is not given until ordered by the court, and the application must then be resubmitted to the court.

Proposal

AN ACT

To amend the civil practice law and rules, in relation to notification of application for a temporary restraining order

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (a) of section sixty-three hundred thirteen of the civil practice law and rules, as amended by chapter two hundred thirty-five of the laws of nineteen hundred eighty-two, is amended to read as follows:

(a) Generally. If, on a motion for a preliminary injunction, the plaintiff shall show that immediate and irreparable injury, loss or damages will result unless the defendant is restrained before a hearing can be had, a temporary restraining order may be granted [without notice]. *An application for a temporary restraining order shall be made with notification to the defendant unless the plaintiff shows, by affidavit or affirmation, that the giving of such notification, even if by telephone or other direct communication, is impracticable or would defeat the purpose of the order. If the court grants the temporary*

restraining order without notification, the court shall state in the order the reason for dispensing with notification. Upon granting a temporary restraining order, the court shall set the hearing for the preliminary injunction at the earliest possible time. No temporary restraining order may be granted in an action arising out of a labor dispute as defined in section eight hundred seven of the labor law, nor against a public officer, board of municipal corporation of the state to restrain the performance of statutory duties.

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

7. Costs in Actions in Courts of Limited Jurisdiction (NYCCCA §§1901 (new), 1903 (new), 1904, 1906, 1906-a (new); same amendments in same provisions in UDCA and UCCA) (new measure)

The Committee recommends that several uniform provisions of Article 19 of the New York City Civil Court Act, the Uniform District Court Act and the Uniform City Court Act be amended to (1) increase cost awards in the courts of limited jurisdiction; and (2) change the formula for calculating those amounts. The present cost amounts have been outmoded by inflation. The existing computation formula, which gears a sliding scale of cost amounts to a matching scale of graduated recovery amounts in actions for money only, ill befits the expanded monetary jurisdiction of the lower courts.

Accordingly, uniform section 1901 would be replaced by a new section 1901 to provide for increased cost amounts and, further, to set forth a calculation formula drawn from CPLR 8201 as follows: $50 for all proceedings before notice of trial; $100 for all proceedings after notice of trial is filed and before trial; and $150 for each trial inquest or damage assessment.

The new formula is designed to improve the efficiency of cost calculation as, with heightened monetary jurisdiction enacted by Chapter 11 of the Laws of 1984 to increase New York Civil Court jurisdiction from $10,000 to $25,000, and District court jurisdiction from $6,000 to $15,000, the practice in the Supreme and County Courts has become generally more adpatable to the courts of limited jurisdiction.

The proposed substitution of the CPLR model requires substitution of certain supplemental CPLR provisions to replace the superseded provisions in the Uniform Acts governing practice in the courts of limited jurisdiction. Accordingly, CPLR 8103, 8104, 8105 and 8106 would be incorporated by reference in new uniform section 1903, and present uniform sections 1902 and 1903 would be repealed, as they would be inapplicable under the proposal.

Uniform section 1904 would be amended to expunge the $150 absolute limit on costs in keeping with the general theme of the proposal.

Uniform section 1906 would be amended to increase, from $10 to $50, the limit on discretionary costs in specified instances.

New uniform section 1906-a would be inserted to preserve the essential provisions on costs in a summary proceeding to recover possession of real property. At present, these provisions appear in subdivision (m) of uniform section 1903, but would be stricken in the general repeal of that section.

The special character of the Town and Village Courts militates against including the Uniform Justice Court Act in this measure, and no amendments thereof are proposed.

The proposed changes would effect a reasonable increase in court costs, which is long overdue, as well as facilitate the computing of such costs in the light of altered realities in lower-court practice.

The proposed changes would accord with related changes in the CPLR proposed in this Report.

Proposal

AN ACT

To amend the New York city civil court act, the uniform district court act and the uniform city court act, in relation to costs in an action

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§1. Section nineteen hundred one of the New York city civil court act is REPEALED and a new section, to be section nineteen hundred one, is inserted, to read as follows:

§1901. Amount of costs in an action. Costs awarded in an action shall be in the amount of;

1. fifty dollars for all proceedings before a notice of trial is filed; plus

2. one hundred dollars for all proceedings after a notice of trial is filed and before trial; plus

3. one hundred fifty dollars for each trial, inquest or assessment of damages.

§2. Section nineteen hundred two and section nineteen hundred three of such act are REPEALED, and a new section, to be section nineteen hundred three, is inserted to read as follows:

Section 1903. Costs; additional provisions. The provisions of CPLR 8103, 8104, 8105 and 8106 shall apply in actions and proceedings in this court.

§3. Section nineteen hundred four of such act, as added by chapter five hundred sixty-four of the laws of nineteen hundred sixty-three, and as subdivision (d) thereof was added by chapter four hundred ninety-one of the laws of nineteen hundred sixty-five, is amended to read as follows:

§1904. [Limitation on costs; certain] *Certain* costs added; additional allowance.

[(a) Limitation on costs. Except as provided in subdivisions (b) and (c), the costs provided for in this act shall in no event exceed $150.]

[(b)*(a)* Certain costs added. Costs on appeal, and those awarded under §1102 of this act, may be added to the amount of costs otherwise applicable in the action.

[(c)]*(b)* Additional allowance.

1. Section 8302 of the CPLR, relating to an additional allowance of right in certain real property actions in which plaintiff has recovered judgment, shall apply in this court. The allowance so calculated shall be added to the amount of costs first calculated under other provisions of this article without reference to CPLR 8302.

2. Section 8303(a) of the CPLR, relating to an additional allowance in the court's discretion in certain actions, shall apply in this court to an action within its jurisdiction which falls within CPLR 8303(a). The allowance so calculated shall be added to the amount of costs first calculated under other provisions of this article without reference to CPLR §8303(a) [, but the resulting sum shall in no event exceed $500].

[(d)] *(c)* Discretionary allowance on enforcement motion. Section 8303(b) of the CPLR, relating to costs on a motion relating to the enforcement of a judgment, shall apply in this court without reference to the foregoing subdivision of this section.

§4. The unnumbered opening paragraph of section nineteen hundred six of such act, as such section was renumbered and amended by chapter five hundred sixty-four of the laws of nineteen hundred sixty-three, is amended to read as follows:

The court may in its discretion impose costs not exceeding [ten] *fifty* dollars in the following instances:

§5. A new section, to be section nineteen hundred six-a of such act, is inserted, to read as follows:

§1906-a. Costs in a summary proceeding. In a summary proceeding to recover possession of real property, petitioner shall be allowed as costs for each necessary respondent served with the notice of petition by a person other than a sheriff or marshal, five dollars, and if there is a default in appearance by the respondent, the sum of five dollars for securing the affidavit that the respondent is not in military service, required by the statutes of the United States; plus, as a disbursement, the fee paid pursuant to §1911(k). Such costs shall be exclusive in such proceeding and shall constitute the sum to be awarded as costs by the judgment pursuant to §747 of the Real Property Actions and Proceedings Law, except insofar as additional costs may be imposed pursuant to subdivision three of said section.

§6. Section nineteen hundred one of the uniform district court act is REPEALED and a new section, to be section nineteen hundred one, is inserted, to read as follows:

1901. Amount of costs in action. Costs awarded in the action shall be in the amount of:

1. fifty dollars for all proceedings before a notice of trial is filed; plus

2. one hundred dollars for all proceedings after a notice of trial is filed and before trial; plus

3. one hundred fifty dollars for each trial, inquest or assessment of damages.

§7. Section nineteen hundred two and section nineteen hundred three of such act are REPEALED, and a new section is inserted, to be section nineteen hundred three, to read as follows:

Section 1903. Costs; additional provisions. The provisions of CPLR 8103, 8104, 8105 and 8106 shall apply in actions and proceedings in this court.

§8. Section nineteen hundred four of such act, as added by chapter five hundred sixty-five of the laws of nineteen hundred sixty-three, is amended to read as follows:

§1904. [Limitation of costs; certain] *Certain* costs added.

[(a) Limitation on costs. Except as provided in subdivisions (b) and (c), the costs provided for in this act shall in no event exceed $150.

(b) Certain costs added.] Costs on appeal, and those awarded under §1102 of this act, may be added to the amount of costs otherwise applicable in the action.

§9. The unnumbered opening paragraph of section nineteen hundred six of such act, as such section was added by chapter five hundred sixty-five of the laws of nineteen hundred sixty-three, is amended to read as follows:

The court may in its discretion impose costs not exceeding [ten] *fifty* dollars in the following instances:

§10. A new section, to be section nineteen hundred six-a of such act, is inserted, to read as follows:

§1906-a. Costs in a summary proceeding. In a summary proceeding to recover possession of real property, petitioner shall be allowed as costs for each necessary respondent served with the notice of petition by a person other than an enforcement officer, five dollars, and if there is a default in appearance by the respondent, the sum of five dollars for securing the affidavit that the respondent is not in military service, required by the statutes of the United States; plus, as a disbursement, the fee paid pursuant to §119(a)(1). Such costs shall be exclusive in such proceeding and shall constitute the sum to be awarded as costs by the judgment pursuant to §747 of the Real Property Actions and Proceedings Law, except insofar as additional costs may be imposed pursuant to subdivision three of said section.

§11. Section nineteen hundred one of the uniform city court act is REPEALED, and a new section, to be section nineteen hundred one, is inserted, to read as follows:

1901. Amount of costs in an action. Costs awarded in an action shall be in the amount of:

1. fifty dollars for all proceedings before a notice of trial is filed; plus

2. one hundred dollars for all proceedings after a notice of trial is filed; plus

3. one hundred fifty dollars for each trial, inquest or assessment of damages.

†12. Section nineteen hundred two and section nineteen hundred three of such act are REPEALED, and a new section is inserted, to be section nineteen hundred three, to read as follows:

Section 1903. Costs; additional provisions. The pro-

visions of CPLR 8103, 8104, 8105 and 8106 shall apply in actions and proceedings in this court.

§13. Section nineteen hundred four of such act, as added by chapter four hundred ninety-seven of the laws of nineteen hundred sixty-four, is amended to read as follows:

§1904. [Limitation of costs; certain] *Certain* costs added.

[(a) Limitation on costs. Except as provided in subdivisions (b) and (c), the costs provided for in this act shall in no event exceed $150.

(b) Certain costs added.] Costs on appeal, and those awarded under §1102 of this act, may be added to the amount of costs otherwise applicable in the action.

§14. The unnumbered opening paragraph of section nineteen hundred six of such act, as such section was added by chapter four hundred ninety-seven of the laws of nineteen hundred sixty-four, is amended to read as follows:

The court may in its discretion impose costs not exceeding [ten] *fifty* dollars in the following instances:

§15. A new section, to be section nineteen hundred six-a of such act, is inserted, to read as follows:

§1906-a. Costs and disbursements in a summary proceeding. In a summary proceeding to recover possession of real property, petitioner shall be allowed as costs for each necessary respondent served with the notice of petition by a person other than an enforcement officer, five dollars, and if there is a default in appearance by the respondent, the sum of five dollars for securing the affidavit that the respondent is not in military service, required by the statutes of the United States; plus, as a disbursement, the fee paid pursuant to §1911(a) (11). Such costs shall be exclusive in such proceeding and shall constitute the sum to be awarded as costs by the judgment pursuant to §747 of the Real Property Actions and Proceedings Law, except insofar as additional costs may be imposed pursuant to subdivision three of said section.

§16. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law; provided, however, that the increased costs it authorizes may be applied only to bills of costs entered on or after this date, regardless of when the claim accrued or the action was commenced.

REPEAL NOTE: Section 1901 of the New York City Civil Court Act, the Uniform District Court Act and the Uniform City Court Act is REPEALED and replaced in said acts by new section 1901. Sections 1902 and 1903 of said acts are repealed and replaced by new section 1903.

IV. Pending and Future Matters

The Advisory Committee on Civil Practice is completing several pending projects, and has begun several studies affecting civil practice, with a view toward recommending legislation. The Committee also continues to review pending and proposed legislation prepared by other sources and to evaluate and comment upon such items. In connection with the ongoing work of the Committee, which now is conducted largely through subcommittees, the following matters should be cited:

1. *The Subcommittee on Appellate Jurisdiction and The Subcommittee on the Individual Assignment System* —In addition to other matters pending before these two Subcommittees, the Advisory Committee has asked both Subcommittees to review the many pending proposals to limit appeals as of right to the Appellate Division from interlocutory determinations in the trial courts. This assignment will enable the Advisory Committee to receive reports from two perspectives, namely, from the perspective of the impact of interlocutory appeals on the Appellate Division and from the perspective of the impact of interlocutory appeals on the individual assignment system in the trial courts. Among matters under consideration are the 1986 proposals of the Chief Administrator of the Courts on interlocutory appeals, the "omnibus motion" proposals of the Trial Lawyers Section and Action Unit #6 of the New York State Bar Association, the Report on interlocutory appeals of the Committee on State Courts of Superior Jurisdiction of the Association of the Bar of the City of New York, and the "MacCrate-Hopkins-Rosenberg" Report on Appellate Justice in New York. The Advisory Committee continues to recommend a statistical study of interlocutory appeals and intends to formulate recommendations on such appeals.

The Subcommittee on the Individual Assignment System continues its review of the individual instructions issued by the Supreme Court trial justices, and of the problem of the time limits in motion practice in light of the individual assignment system. The Subcommittee, on the latter subject, also is reviewing recommendations previously submitted by the Subcommittee on Motion Practice.

2. *The Subcommittee on Service of Process and the Subcommittee on Courts of Limited Jurisdiction* jointly are developing proposals to improve service of process in landlord-tenant courts.

3. *A special ad hoc Subcommittee to Report on 1986 Liability Insurance - Tort Reform Legislation* reviewed Chapters 220, 221 and 682 of the Laws of 1986 enacted by the 1986 Legislature on tort law reform in the light of the liability insurance crisis and related areas, and concluded that a communication on behalf of the Advisory Committee should be addressed to the Legislature recommending technical improvements in several of the new provisions of law, with the offer of whatever technical assistance from the Committee might be deemed desirable. The Advisory Committee adopted that recommendation. Such communication is being transmitted to the legislative staff representatives by Counsel to the Office of Court Administration.

4. *The Subcommittee on Matrimonial Procedures* continues to review methods for expediting matrimonial and other proceedings involving the status of children and equitable distribution, considering both statutory enactments and court rules.

5. *The Subcommittee on the Constitutionality of Enforcement Provisions,* with possible legislation in mind, continues to monitor the operation and effect of Chapter 882 of the Laws of 1982, which, in the wake of *Deary* v. *Guardian Loan Co., Inc.,* 534 F.Supp. 1178 (S.D.N.Y.),

amended CPLR 5222 and 5234 to provide for prior notice of restraining notices and executions or garnishments.

6. *The Subcommittee on Sanctions* was appointed by the Chair in October, 1986, to make recommendations for statutory proposals for sanctions by the trial court upon parties and attorneys who assert frivolous claims, motions or defenses or who do not comply with court orders relating to disclosure or other matters, or who deliberately engage in procedures calculated to harass opponents or to unjustifiably impede case processing.

The Advisory Committee long had recommended a new section 3127 on sanctions as a part of its disclosure bill, but has removed that section from its present disclosure proposals to afford separate consideration of the two areas of law, disclosure and sanctions. The Advisory Committee is cognizant of newly amended CPLR 8303-a, which adopts financial sanctions with respect to frivolous claims and counterclaims in actions to recover damages for personal injury, injury to property and wrongful death, but notes that this provision does not relate to frivolous motions or defenses thereto nor to abuses of disclosure devices or unjustifiable noncompliance with requests or orders for disclosure. The Committee also is cognizant of recent decisional law (*Gabrelian* v. *Gabrelian*, 108 A.D.2d 445 (2d Dept. 1985), and *Ltown Limited Partnership* v. *Sire Plan, Inc.*, 108 A.D.2d 435 (2d Dept. 1985), and anticipates that there may be further clarification of the law on sanctions by the Court of Appeals.[1] The Advisory Committee intends, upon receiving and reviewing recommendations from the Subcommittee, to formulate appropriate recommendations on sanctions.

Additional matters continue to engage the Advisory Committee's attention, such as revision of the appendix of CPLR forms, and the devising of means for avoiding forum abuse occasioned by the commencement of an action in the Supreme Court of plaintiff's county rather than in an appropriate Small Claims Court. Proposals currently are being considered to adopt some additional aspects of Supreme Court practice under the CPLR in courts of limited jurisdiction, with respect to matters such as the time within which to appear and answer a summons personally served.

The following 15 subcommittees of the Advisory Committee on Civil Practice now are operational:

Subcommittee on Matrimonial Procedures
Chair, Myrna Felder, Esq.

Subcommittee on the Constitutionality of Enforcement Procedures
Chair, Richard B. Long, Esq.

Subcommittee on Statutes of Limitations
Chair, James J. Harrington, Esq.

Subcommittee on Contribution and Apportionment of Damages
Chair, John T. Frizzell, Esq.

Subcommittee on Service of Process
Chair, Leon Brickman, Esq.

Subcommittee on Courts of Limited Jurisdiction
Chair, Leon Brickman, Esq.

Subcommittee on Motion Practice
Chair, William D. Eggers, Esq.

Subcommittee on the Uniform Rules
Chair, Sheila L. Birnbaum, Esq.

Subcommittee on Legislation
Chair, Professor George F. Carpinello

Subcommittee on Appellate Jurisdiction
Chair, James J. Harrington, Esq.

Subcommittee on the Individual Assignment System
Chair, Robert M. Blum, Esq.

Subcommittee on Medical Malpractice
(Chair vacant)

Subcommittee on Implementation of Report of Governor's Liability Insurance Committee
Chair, Frank L. Amoroso, Esq.

Subcommittee on Liability Insurance — Tort Law Reform Legislation
Chair, Professor George F. Carpinello

Subcommittee on Sanctions
Chair, Thomas F. Gleason, Esq.

Respectfully submitted,

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Myrna Felder, Esq.
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Richard Rifkin, Esq.
Professor David D. Siegel
Ira P. Sloan, Esq.
Irene A. Sullivan, Esq.
Peter J. Walsh, Esq.

William A. Bulman, Esq.
John P. Brosnan, Esq.
Counsel

December, 1986

Note: The Advisory Committee recognizes with appreciation the contributions to the contents of this Report made by past members of the Committee whose terms of service to the Committee expired before the Report was completed: Paul A. Feigenbaum, Esq., the late Hyman W. Gamso, Esq., Professor Paul S. Graziano, Edward J. Hart, Esq., Leo Salon, Esq., Shirley Adelson Siegel, Esq., and Peter G. Smith, Esq.

[1] This Report was prepared shortly before the decisions of the Court of Appeals in *Ltown Limited Partnership* v. *Sire Plan Inc.* and *A.G. Ship Maintenance Corp.* v. *Lezak* (*See* N.Y.L.J., p. 1, col. 2, 12-19-86, which held that state judges may not impose monetary sanctions against attorneys or litigants for frivolous lawsuits or procedures unless authorized by court rule or statute. In light of these decisions, the Committee will be studying and recommending an appropriate rule.

1987 Report

of the

Advisory Committee on Criminal Law and Procedure

to the

Chief Administrator of the Courts

of the

State of New York

December, 1986

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I. Introduction

The Advisory Committee on Criminal Law and Procedure, one of the standing advisory committees established by the Chief Administrator of the Courts pursuant to section 212(1) (g) of the Judiciary Law, annually recommends to the Chief Administrator legislative proposals in the area of criminal law and procedure that may be incorporated in the Chief Administrator's legislative program. The Committee makes its recommendations on the basis of its own studies, examination of decisional law, and recommendations received from bench and bar. The Committee maintains a liaison with the New York State Judicial Conference, bar association and legislative committees, and such agencies as the Law Revision Commission. In addition to recommending its own annual legislative program, the Committee reviews and comments on other pending legislative measures concerning criminal law and procedure.

In this 1987 Report of the Advisory Committee on Criminal Law and Procedure to the Chief Administrator of the Courts, the Committee recommends a total of 19 bills for enactment by the 1987 Legislature. Of these, 8 bills previously have been endorsed, while 11 bills are new or modified measures.

The new bills include proposals: allowing the People to appeal from a preclusion order; authorizing the court to enter an order of protection in conjunction with a youthful offender adjudication; limiting the benefits of the sealing and return provisions of section 160.50 of the Criminal Procedure Law to deserving defendants; and clarifying the time to appeal from an order included in a judgment.

Part II of this Report summarizes each of the measures previously submitted and explains its purpose. Part III summarizes each of the measures being submitted for the first time and the measures submitted previously but modified upon submission this year. In both parts II and III, individual summaries are followed by drafts of appropriate legislation.

II. Previously Endorsed Measures

1. Establishment of a Procedure to Obtain Warrant of Arrest (CPL 1.20; Article 120)

The Committee recommends that section 1.20 and Article 120 of the Criminal Procedure Law be amended to establish a procedure for obtaining a warrant of arrest prior to the formal commencement of a criminal action.

The United States Supreme Court has held that, absent exigent circumstances, an arrest warrant must be obtained before police may enter a suspect's home to make a "routine" felony arrest. *Payton* v. *New York*, 445 U.S. 573 (1980). Under existing New York law, an arrest warrant may not be issued until after an accusatory instrument commencing a criminal action is filed. CPL §120.10. This limitation causes difficulty when authority to arrest is needed and a court is unavailable for the filing of the accusatory instrument, or practical problems delay the preparation of the instrument itself. There also are circumstances under which probable cause to arrest an individual exists but further investigation is warranted before the prosecution can determine whether to commence a criminal action. Therefore, it is necessary to develop a mechanism whereby law enforcement officers possessing the statutory requirements to arrest without a warrant in a public place may obtain judicial authorization to arrest a person in his home before formal criminal proceedings are begun.

Our proposal would establish that mechanism by amending the existing arrest warrant provisions to permit an *ex parte* application to be made to the court for a warrant when a person may be arrested for a crime pursuant to section 140.10 of the Criminal Procedure Law and all other statutory requirements are met. The application provisions are patterned after those governing search warrants (*see* CPL §690.35), and the procedure to be followed after arrest remains as stated in section 140.20, with the additional requirement of a return of the warrant and a report to the court indicating the time and place of the arrest and subsequent steps taken.

The new procedure established by this measure will safeguard the rights of individuals suspected of criminal activity while permitting law enforcement officers to complete their investigations before commencing formal proceedings. It must be noted, however, that this measure also may have an impact upon the scope of other investigatory procedures that may be conducted before an action is commenced. *See People* v. *Samuels*, 49 N.Y.2d 218 (1980).

Proposal

AN ACT

To amend the criminal procedure law, in relation to warrant of arrest

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions twenty-eight and twenty-nine of section 1.20 of the criminal procedure law are amended to read as follows:

28. ["Warrant] *(a) "Warrant of arrest" means a process of a criminal court, more fully defined in subdivisions three and four of section 120.10, directing a police officer to arrest a person.*

(b) "Local criminal court warrant of arrest" means a [process] *warrant of arrest* of a local criminal court [, more fully defined in section 120.10,] directing a police officer, *pursuant to article 120,* to arrest a defendant and to bring him before such court for the purpose of arraignment upon an accusatory instrument filed therewith by which a criminal action against him has been commenced.

[29.] *(c)* "Superior court warrant of arrest" means a [process] *warrant of arrest* of a superior court directing a police officer, *pursuant to subdivision three of section 210.10,* to arrest a defendant and to bring him before such court for the purpose of arraignment upon an indictment filed therewith by which a criminal action against him has been commenced.

§2. Sections 120.10, 120.20, 120.30 and 120.40 of such law, section 120.10 as amended by chapter eight hundred

forty-three of the laws of nineteen hundred eighty, section 120.40 as amended by chapter sixty-one of the laws of nineteen hundred seventy-three, are amended to read as follows:

§120.10. Warrant of arrest; definition, function, form and content. 1. A *warrant of arrest is a process of a criminal court directing a police officer to arrest a person.*

2. A local criminal court warrant of arrest is a [process] *warrant of arrest* issued by a local criminal court directing a police officer or a peace officer appointed by the state university to arrest a defendant designated in an accusatory instrument filed with such court and to bring him before such court in connection with such instrument. The sole function of a *local criminal court* warrant of arrest is to achieve a defendant's court appearance in a criminal action for the purpose of arraignment upon the accusatory instrument by which such action was commenced.

[2.] *3.* A warrant of arrest must be subscribed by the issuing judge and must state or contain (a) the name of the issuing court, and (b) the date of issuance of the warrant, and (c) the name or title of an offense [charged in the underlying accusatory instrument] *for which the person is to be arrested,* and (d) the name of the [defendant] *person* to be arrested or, if such be unknown, any name or description by which he can be identified with reasonable certainty, and (e) the police officer or officers or peace officers appointed by the state university to whom the warrant is addressed, and (f) a direction that such officer arrest [the defendant] *such person,* and *(g) where the warrant of arrest is issued upon an accusatory instrument, a direction to* bring him before the issuing court.

[3.] *4.* A warrant of arrest may be addressed to *any police officer,* a classification of police officers, or to two or more classifications thereof, as well as to a designated individual police officer or officers, as well as to peace officers appointed by the state university. Multiple copies of such a warrant may be issued.

§120.20 Warrant of arrest; when issuable. 1. When a criminal action has been commenced in a local criminal court by the filing therewith of an accusatory instrument, other than a simplified [traffic] information, against a defendant who has not been arraigned upon such accusatory instrument and has not come under the control of the court with respect thereto, such court may, if such accusatory instrument is sufficient on its face, issue a *local criminal court* warrant *of arrest* for such defendant's arrest.

2. (a) Where a person may be arrested for a crime pursuant to section 140.10, a police officer or a district attorney may apply to a criminal court for a warrant of arrest. Upon such application, if the criminal court is satisfied that an arrest of such person is authorized by section 140.10, the court may issue the warrant.

(b) An ex parte application for such warrant must be submitted to a judge of a criminal court and it must be in writing, subscribed and sworn to by the applicant, or be made orally by the applicant, under oath, to the issuing judge and recorded verbatim. The application must contain:

(i) The name of the court, the name and title of the applicant, and the date of the application;

(ii) A statement that an arrest of a named person (or, if such be unknown, any name or description by which such person can be identified with reasonable certainty) for a specified crime is authorized by section 140.10;

(iii) Allegations of fact supporting such statement. Such allegations of fact may be based upon personal knowledge of the applicant or upon information and belief. The applicant may also submit depositions of other persons containing allegations of fact, based upon personal knowledge or upon information and belief, supporting or tending to support those contained in the application. Allegations based upon information and belief shall include the source of such information and the grounds of such belief; and

(iv) A request that the court issue the warrant.

[2.] *3.* Even though such accusatory instrument *or application, as the case may be,* is sufficient on its face, the court may refuse to issue a warrant of arrest based thereon until it has further satisfied itself, by inquiry or examination of witnesses, that there is reasonable cause to believe that the defendant committed an offense charged. Upon such inquiry or examination, the court may examine, under oath or otherwise, any available person whom it believes may possess knowledge concerning the subject matter of the charge.

[3.] *4.* Notwithstanding the provisions of subdivision one, if a summons may be issued in lieu of a *local criminal court* warrant of arrest pursuant to section 130.20, and if the court is satisfied that the defendant will respond thereto, it may not issue a *local criminal court* warrant of arrest.

§120.30 Warrant of arrest; by what courts issuable and in what courts returnable. 1. A *warrant of arrest may be issued by a criminal court with geographical jurisdiction of a crime specified in the application submitted to it pursuant to subdivision two of section 120.20.*

2. A local criminal court warrant of arrest may be issued only by the local criminal court with which the underlying accusatory instrument has been filed, and it may be made returnable in such issuing court only.

[2.] *3.* The particular local criminal court or courts with which any particular local criminal court accusatory instrument may be filed for the purpose of obtaining a *local criminal court* warrant of arrest are determined, generally, by the provisions of section 100.55. If, however, a particular accusatory instrument may pursuant to said section 100.55 be filed with a particular town court and such town court is not available at the time such instrument is sought to be filed and a warrant obtained, such accusatory instrument may be filed with the town court of any adjoining town of the same county. If such instrument may be filed pursuant to said section 100.55 with a particular village court and such village court is not available at the time, it may be filed with the town court of the town embracing such village, or if such town court is not available either, with the town court of any adjoining town of the same county.

§120.40 Warrant of arrest; attaching accusatory instrument to warrant of town court or village court. A town court or a village court which issues a *local criminal court* warrant of arrest may attach thereto a duplicate copy of the

underlying accusatory instrument. If one or more duplicate copies of the warrant are issued, such court may attach as many copies of such accusatory instrument to copies of such warrant as it chooses. In any case where, pursuant to subdivision five of section 120.90, a defendant arrested upon such a warrant of arrest is brought before a local criminal court other than the town court or village court in which the warrant is returnable, a copy of the accusatory instrument constitutes a valid basis for arraignment as provided in subdivision one of section 170.15.

§3. Section 120.50 of such law is REPEALED.

§4. Section 120.90 of such law is amended by adding a new subdivision eight, to read as follows:

8. Notwithstanding the foregoing provisions of this section, the procedure following an arrest upon a warrant of arrest issued pursuant to subdivision two of section 120.20 shall be as provided in section 140.20. Further, within a reasonable time after the arrest of a person pursuant to such warrant, a police officer shall return the warrant to the issuing court and file with it a report of the time and place of the arrest and a report as to which of the procedures of section 140.20 were followed. The failure to file such report shall not be grounds for invalidating the arrest or the evidence derived from the arrest.

§5. This act shall take effect immediately.

REPEAL NOTE: — CPL 120.50 is repealed by this act since its provisions are included within subdivision three of CPL 120.10.

2. Immunity of Grand Jury Witnesses (CPL 190.40)

The Committee recommends that section 190.40 of the Criminal Procedure Law be amended to clarify existing law by providing that a witness before the grand jury does not receive immunity by reason of giving identification evidence of a nontestimonial character that the witness would have no constitutional privilege to withhold.

Section 190.40 now confers immunity upon any witness who has been compelled to "give evidence" before the grand jury. This standard of "giving evidence," however, is overbroad and could be construed to authorize immunity for a person appearing before the grand jury even if the evidence he or she gives is nontestimonial and not of a type that the witness is otherwise privileged to withhold. If a witness has no privilege with respect to this evidence, he or she has given up nothing by furnishing it to the grand jury and should not receive immunity as a result.

These considerations apply primarily to the giving of nontestimonial identification evidence, such as standing in a lineup, or furnishing a blood, voice, handwriting or fingerprint sample. A witness has no constitutional privilege to refuse to give this evidence, *Schmerber* v. *California,* 384 U.S. 757 (1966), and, therefore, should not receive immunity by reason of providing it.

Paragraph (c) of subdivision two of section 190.40, as added by the Legislature in 1975, recognizes this principle as it applies to corporate books and records, which a witness similarly would not be privileged to withhold. Our proposal would delete paragraph (c) and replace it with a general provision that limits the grant of immunity to evidence that is protected from disclosure by the privilege against self-incrimination.

Proposal

AN ACT

To amend the criminal procedure law, in relation to the immunity received by grand jury witnesses to make clear that no immunity results from the giving of nontestimonial identification evidence which the witness would have no constitutional privilege to withhold

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 190.40 of the criminal procedure law, paragraph (c) of subdivision two thereof as added by chapter four hundred fifty-four of the laws of nineteen hundred seventy-five, is amended to read as follows:

§190.40 Grand jury; witnesses, compulsion of evidence and immunity. 1. Every witness in a grand jury proceeding must give any evidence legally requested of him regardless of any protest or belief on his part that it may tend to incriminate him.

2. [A witness who gives evidence in a grand jury proceeding] *In a grand jury proceeding, a witness who is required to give evidence under subdivision one which he would otherwise be entitled to withhold by virtue of the privilege against self-incrimination,* receives immunity unless:

(a) He has effectively waived such immunity pursuant to section 190.45; or

(b) Such evidence is not responsive to any inquiry and is gratuitously given or volunteered by the witness with knowledge that it is not responsive.

[(c) The evidence given by the witness consists only of books, papers, records or other physical evidence of an enterprise, as defined in subdivision one of section 175.00 of the penal law, the production of which is required by a subpoena duces tecum, and the witness does not possess a privilege against self-incrimination with respect to the production of such evidence. Any further evidence given by the witness entitles the witness to immunity except as provided in subdivisions (a) and (b) of this section.]

§2. This act shall take effect immediately.

3. Discovery of Nontestimonial Evidence (CPL 240.40)

The Committee recommends that section 240.40 of the Criminal Procedure Law be amended to permit a court to require a defendant against whom a felony or misdemeanor complaint is pending to provide nontestimonial evidence.

During its 1979 Session the Legislature enacted a new Article 240 of the Criminal Procedure Law, providing for expanded criminal discovery procedures. Section 240.40 authorizes a court in which an indictment, superior court information, prosecutor's information or information is

pending to order a defendant to provide nontestimonial evidence. This proposal would expand this authority to permit an order to issue when a felony or misdemeanor complaint is pending. Since these accusatory instruments also must contain factual allegations establishing probable cause to support the charges, they should be included in the list of instruments that provide the basis for a court order requiring the production of nontestimonial evidence. *See* CPL §100.15.

Proposal

AN ACT

To amend the criminal procedure law, in relation to the discovery of nontestimonial evidence

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section 240.40 of the criminal procedure law, the opening paragraph of which as amended by chapter three hundred seventeen of the laws of nineteen hundred eighty-three, such subdivision as added by chapter four hundred twelve of the laws of nineteen hundred seventy-nine, is amended to read as follows:

2. Upon motion of the prosecutor, and subject to constitutional limitation, *(a)* the court in which an indictment, superior court information, prosecutor's information, information or simplified information charging a misdemeanor is pending[; (a)] must order discovery as to any property not disclosed upon a demand pursuant to section 240.30, if it finds that the defendant's refusal to disclose such material is not justified[;], and (b) *the court in which an indictment, superior court information, prosecutor's information, information, felony complaint or misdemeanor complaint is pending* may order the defendant to provide non-testimonial evidence*; provided, however, where a felony complaint is pending in a local criminal court, the superior court which would have trial jurisdiction of the offense or offenses charged were an indictment therefor to result may also order the defendant to provide nontestimonial evidence.* Such order may, among other things, require the defendant to:

(i) Appear in a line-up;

(ii) Speak for identification by witness or potential witness;

(iii) Be fingerprinted;

(iv) Pose for photographs not involving reenactment of an event;

(v) permit the taking of samplesof blood, hair or other materials from his body in a manner not involving an unreasonable intrusion thereof or a risk of serious physical injury thereto;

(vi) Provide specimens of his handwriting;

(vii) Submit to a reasonable physical or medical inspection of his body.

This subdivision shall not be construed to limit, expand, or otherwise affect the issuance of a similar court order, as may be authorized by law, before the filing of an accusatory instrument consistent with such rights as the defendant may derive from the constitution of this state or of the United States. This section shall not be construed to limit or otherwise affect the administration of a chemical test where otherwise authorized pursuant to section one thousand one hundred ninety-four-a of the vehicle and traffic law.

§2. This act shall take effect thirty days after it shall have become a law; provided, however, the provisions of the criminal procedure law, as amended herein, shall be aplied only to criminal actions commenced on or after such date.

4. Separation of Jury During Deliberations (CPL 310.10)

The Committee recommends that section 310.10 of the Criminal Procedure Law be amended to authorize a court to permit a deliberating jury to separate temporarily, including overnight and on weekends and holidays. This would facilitate and encourage jury service, reduce the potentially coercive impetus to arrive at a prompt verdict and save the expense necessitated by prolonged sequestration in cases in which there is no likelihood of jury tampering or influence.

Section 310.10 now provides that a deliberating jury "must be continuously kept together under the supervision of a court officer or court officers' or other personnel. This requires that deliberating jurors be kept in hotel rooms or other accommodations, fed and guarded during deliberations. This rule is in marked contrast to the more flexible approach employed in the federal courts, where sequestration is within the court's discretion.

Our proposal would amend New York's rigid rule by allowing dispersal when the court so authorizes. Dispersal should be the rule rather than the exception. In most cases the jury is not sequestered during the trial itself, and the possibility that the jurors will defy the court's instructions and read about or discuss the case with outsiders, or that the jurors will be tampered with, should be no greater during deliberations. The possibility of exposure to news reports in fact may be less during deliberations, when the media no longer have any new evidence to report.

It is undisputed that this proposal would have a favorable impact on the State budget. An evaluation of costs of sequestering juries has indicated that its enactment could result in a saving of approximately $2,700 for each day a jury is not sequestered when it normally would have been, and the total potential savings in expenses for meals, lodging and transportation for jurors and overtime pay and increased pension costs for court personnel could exceed $1,800,000 a year.

Proposal

AN ACT

To amend the criminal procedure law, in relation to authorizing the temporary separation of a deliberating jury

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 310.10 of the criminal procedure

law, as amended by chapter two hundred fourteen of the laws of nineteen hundred seventy-four, is amended to read as follows:

§310.10 Jury deliberation; requirement of; where conducted.

1. Following the court's charge, the jury must reitre to deliberate upon its verdict in a place outside the courtroom. It must be provided with suitable accommodations therefor and must, *except as otherwise provided in subdivison two,* be continuously kept together under the supervision of a court officer or court officers. In the event such court officer or court officers are not available, the jury shall be under the supervision of an appropriate public servant or public servants. Except when so authorized by the court or when performing administerial duties with respect to the jurors, such court officers or public servants, as the case may be, may not speak to or communicate with them or permit any other person to do so.

2. At any time after the jury has commenced its deliberations, the court may declare the deliberations to be in recess and may thereupon direct the jury to suspend its deliberations and to separate for a reasonable period of time to be specified by the court, including Saturdays, Sundays and holidays. Before each recess, the court must admonish the jury as provided in section 270.40 and direct it to resume its deliberations when all twelve jurors have reassembled in the designated place at the termination of the declared recess.

§2. This act shall take effect immediately.

5. Decision on Motion to Suppress Identification Testimony (CPL 710.40)

The Committee recommends that subdivision three of section 710.40 of the Criminal Procedure Law be amended to allow a court to defer the hearing and determination of a motion to suppress identification testimony until after the trial has commenced.

Under present law, all motions to suppress evidence must be decided before trial. In the context of a *Wade* hearing, this means that crime victims or other persons who will give identification testimony must make multiple court appearances. Apart from the great personal inconvenience this may occasion, which itself may have the effect of discouraging such persons from coming forward to testify at the time of trial, it also may expose them to efforts at intimidation. *See People* v. *Vargas,* 118 Misc. 2d 477 (Sup. Ct. N.Y. Co. 1983).

This salutary proposal would permit a court, in its discretion and with the consent of the prosecutor, to minimize the number of court appearances an identification witness must make by postponing its hearing and determination of a *Wade* motion until after trial has commenced. In order to protect the defendant's rights, the hearing would be held outside the presence of the jury. The prosecutor's consent is necessary to offset the latter's loss of a right of appeal from an adverse decision on the *Wade* motion (*see* CPL §450.20(8)) once trial begins.

Proposal

AN ACT

To amend the criminal procedure law, in relation to certain motions to suppress evidence

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section 710.40 of the criminal procedure law, as amended by chapter two hundred seventy-three of the laws of nineteen hundred seventy-seven, is amended to read as follows:

3. When the motion is made before trial, the trial may not be commenced until determination of the motion; *provided, however, that when a hearing is held on a motion to suppress evidence based upon the ground specified in subdivision six of section 710.20, and the court finds from the evidence offered at such hearing that (a) the challenged identification occurred at a confrontation arranged by the police and (b) there is no reason to believe that the identification was the product of improper suggestion; and either party wishes to call a witness or witnesses, other than a police officer, who will be testifying at the trial, the court may, with the consent of the prosecutor, defer the testimony of the nonpolice witness or witnesses, continue the hearing and reserve decision on the motion until after the trial has commenced, unless good cause be shown why the witness or witnesses should testify and the decision should be rendered before commencement of the trial. In the event that a continuance of the suppression hearing is granted hereunder in a case tried by a jury, the court must hear the witness or witnesses on the issue of suppression outside the presence of the jury and must render decision on the motion before the witness or witnesses testify before the jury.*

§2. This act shall take effect ninety days after it shall have become a law.

6. Amendment of Indictment (CPL Article 205)

The Committee recommends that the Criminal Procedure Law be amended, by the addition of a new Article 205, to establish a procedure for amending an indictment, prior to retiral, to charge lesser included offenses of counts that have been disposed of under such circumstances as to preclude defendant's retrial thereon. Legislative action permitting such amendments was recommended to the Advisory Committee by the Court of Appeals, and this measure has been endorsed by the District Attorneys Association.

In *People* v. *Mayo,* 48 N.Y.2d 245 (1979), defendent was charged with robbery in the first degree. The trial court refused to submit that charge to the jury, submitting instead the lesser included offenses of robbery in the second and third degrees. The jury was unable to reach a verdict on these lesser charges and a mistrial was declared. Defendant then was retried on the original indictment. Although the first degree robbery count was not submitted to the jury at the second trial, the Court of Appeals held that it was improper to retry defendant on the original indictment. The Court reasoned that since the sole count of the indictment

could not be retried because of the prohibition against double jeopardy, nothing remained to support further criminal proceedings under that accusatory instrument. 48 N.Y.2d at 253. Impliedly, this holding also foreclosed amendment of the original indictment to charge the lesser included offenses on which retrial was not prohibited. Accordingly, the practical effect of the Court's holding is to require re-presentation of cases to grand juries. This consumes the time and resources of district attorneys, grand juries and witnesses alike, without any concomitant benefit to defendant. *See People* v. *Gonzales*, 96 A.D.2d 847 (2d Dept. 1983) (*Titone*, J., dissenting).

In a footnote to its holding in *Mayo*, the Court noted its belief that "there would have been no constitutional or statutory bar to a retrial" had the People obtained a new indictment containing only the second and third degree robbery counts. 48 N.Y.2d at 250 (*see* footnote 2). In accordance with this observation and at the request of the Court of Appeals, the Advisory Committee undertook to prepare remedial amendments to the Criminal Procedure Law.

This measure, which reflects those amendments, would establish a new Article 205 of the Criminal Procedure Law setting forth a procedure whereby an indictment may be amended prior to retrial to charge lesser included offenses of counts that have been disposed of at the first trial, whether or not such lesser included offenses were submitted to the jury at the initial trial. It would require the People to make a written application to amend the indictment, on notice to defendant, at least 20 days prior to the new trial. Further, the People would be required to file a copy of the indictment, as it is proposed to be amended, with their application, and to serve a copy of the amended indictment upon defendant. These provisions are intended to insure that the functions of an indictment — to give defendant adequate notice of the charges against him — are not compromised by the amendment procedure.

Proposal

AN ACT

To amend the criminal procedure law in relation to amendment of indictments.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The criminal procedure law is amended by adding a new article two hundred five to read as follows:

ARTICLE 205
RETRIAL OF LESSER INCLUDED OFFENSES

§205.10. Procedure for amending indictment where retrial is ordered.

§205.10. Procedure for amending indictment where retrial is ordered. Notwithstanding any other provision of law, whenever (a) an offense charged in a count of an indictment is disposed of under such circumstances as to preclude defendant's retrial thereon and (b) a new trial is ordered, the trial court may, upon application of the people and with notice to the defendant and opportunity to be heard, order the amendment of the indictment to charge any lesser included offenses, as defined in section 1.20(37), of such offense, whether or not such lesser included offenses were submitted to the finder of fact upon trial of the original indictment, provided, however, that the indictment may not be amended to charge a lesser included offense that was disposed of under such circumstances as to preclude defendant's retrial thereon. Such application must include a copy of the indictment as it is proposed to be amended and must be made, in writing, at least twenty days prior to commencement of the new trial. Upon granting an application hereunder, the trial court shall order the people to file the amended indictment with the court and to cause defendant to be furnished with a copy thereof.

§2. This act shall take effect ninety days after it shall have become a law.

7. Proof of Purchase of Child Seating System (Vehicle and Traffic Law §1229-c)

The Committee recommends that subdivision six of section 1229-c of the Vehicle and Traffic Law be amended to provide that a fine for violating the mandatory seat belt law provisions relating to restraint of children under age 4 (VTL §1229-c(1), (2) may be waived only where the court is supplied with proof that a child seating system has been purchased or rented since the date of the violation.

The purpose of this measure is to correct a loophole in section 1229-c. Subdivisions one and two of section 1229-c require that children under the age of four be restrained in specially-designed car seats meeting Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213. Subdivision five of that section provides that a violation of any of the provisions of section 1129-c shall be punishable by a civil fine, not exceeding 50 dollars. Subdivision six, however, requires the court to waive any such fine where the violation of section 1229-c involves failure to comply with its requirements concerning seat restraints for children under four and the court is presented with proof that the violator has "purchased or rented a child seating system. . . on or before the appearance date [of his or her] violation."

Herein lies the loophole. It has been pointed out to the Advisory Committee that subdivision six prescribes no date *after which* a violator, seeking to benefit from the waiver provision, must have purchased the necessary seating system. Thus, the statute would seem to require that, where a violator is convicted for failing to use a seating system that he or she already owned at the time the violation occured, the fine must be waived. The Legislature cannot have intended such an anomaly. Accordingly, this measure would amend subdivision six of section 1229-c to clarify that waiver of the fine may be ordered only where a child seating system is purchased *after* the date of the violation.

Proposal

AN ACT

To amend the vehicle and traffic law, in relation to proof of purchase of child seating system

The P ople of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision six of section twelve hundred twenty-nine-c of the vehicle and traffic law, as amended by chapter one hundred fifty-four of the laws of nineteen hundred eighty-six, such subdivision as added by chapter three hundred sixty-five of the laws of nineteen hundred eighty-four, is amended to read as follows:

6. The court shall waive any fine for which a person who violates the provisions of this section would be liable with respect to passengers under the age of four if such person supplies the court with proof that, *between the date on which he is charged with having violated this section and the appearance date for such violation,* he [has] purchased or rented a child seating system which meets the requirements of subdivision one of this section [on or before the appearance date for such violation]. Provided, however, that such waiver of fine shall not apply to a second or subsequent conviction under this section.

§2. This act shall take effect immediately.

8. Mandatory Surcharges (CPL 420.35)

The Committee recommends that section 420.35 of the Criminal Procedure Law be amended to clarify that mandatory surcharges need not be entered and docketed by the county clerk as civil money judgments.

Chapter 233 of the Laws of 1985 amended section 420.10(6) of the Criminal Procedure Law to provide, *inter alia,* that a fine shall be imposed by a written order and that a certified copy of such order must be filed with the county clerk. Chapter 233 further provides that an order imposing a fine shall be entered and docketed by the county clerk as a money judgment and may be enforced in the same manner as a judgment in a civil action.

Although section 420.10(6) is concerned with fines, section 420.35 provides that the provisions of section 420.10 governing the collection of fines shall apply to mandatory surcharges imposed pursuant to section 60.35 of the Penal Law. The result of the 1985 amendment to section 420.10 thus may be to require that all mandatory surcharges be imposed by written order, and that such orders be entered and docketed by the county clerk as civil money judgments. It makes little sense to impose such requirements with respect to mandatory surcharges which, unless waived, are required to be levied for all criminal convictions and are in relatively small amounts ($100 for a felony, $60 for a misdemeanor and $25 for a violation). It is unlikely that civil money judgments in such small amounts ever would become the subject of an enforcement proceeding, and a requirement that all mandatory surcharges be so docketed would create an enormous, and unnecessry, burden to court clerical personnel. This measure accordingly would amend section 420.35 to correct what we are certain was an unintended result and to clarify that mandatory surcharges need not be filed with or entered and docketed by the county clerk.

Proposal

AN ACT

To amend the criminal procedure law, in relation to mandatory surcharges

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The first unnumbered paragraph of section 420.35 of the criminal procedure law, as added by chapter fifty-five of the laws of nineteen hundred eighty-two and as amended by chapter fifteen of the laws of nineteen hundred eighty-three, is amended to read as follows:

The provisions of section 420.10 of this article governing the collection of fines and the provisions of section 420.30 of this article governing the remission of fines and the provisions of section 430.20 of this chapter governing the commitment of a defendant for failure to pay a fine shall be applicable to a mandatory surcharge imposed pursuant to subdivision one of section 60.35 of the penal law or section eighteen hundred nine of the vehicle and traffic law, *provided, however, that those provisions of section 420.10 requiring a fine to be entered and docketed by the county clerk as a civil money judgment shall not apply to a mandatory surcharge.*

§2. This act shall take effect immediately.

III. New or Modified Measures

1. Appeal by the People from Preclusion Order (CPL 450.20, 450.50)

The Committee recommends that section 450.20 of the Criminal Procedure Law be amended to provide that the People may appeal as of right from an order prohibiting the introduction of certain evidence or the calling of certain witnesses, entered before trial pursuant to section 240.70 of the Criminal Procedure Law. The Committee further proposes that section 450.50 of the Criminal Procedure Law be amended to permit the People to take an appeal from a preclusion order, if the People file a statement asserting that they are unable to prosecute without the evidence ordered precluded, and to provide that the taking of an appeal from a preclusion order constitutes a bar to prosecution unless or until such order is reversed or vacated.

In *People* v. *Anderson,* 66 N.Y.2d 529, 537 (1985), the Court of Appeals held that section 30.30 of the Criminal Procedure Law does not require the Court to dismiss an action for a default by the People after the People have announced their readiness for trial where lesser sanctions, such as preclusion orders, are available. Anticipating that the court's decision in *Anderson* may lead to an increase in the use of preclusion orders, the Committee recommends that section 450.20 of the Criminal Procedure Law be amended to permit the People to appeal from a preclusion order. The People's right to take such an appeal would be conditioned, however, on the filing of a statement asserting that the prosecution cannot proceed without the precluded evidence.

This procedure would conform to that now required where the People take an appeal from an order suppressing evidence. It would allow the People to obtain appellate review of preclusion orders, while assuring that only those orders affecting evidence at the heart of the People's case are the subject of interlocutory appeals.

Proposal

AN ACT

To amend the criminal procedure law, in relation to appeal by the people from preclusion order

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 450.20 of the criminal procedure law is amended to add a new subdivision nine, to read as follows:

9. An order prohibiting the introduction of certain evidence or the calling of certain witnesses, entered before trial pursuant to section 240.70; provided that the people file a statement in the appellate court pursuant to section 450.50.

§2. Subdivisions one and two of section 450.50 of such law are amended to read as follows:

1. In taking an appeal pursuant to subdivision eight *or nine* of section 450.20, to an intermediate appellate court from an order of a criminal court suppressing evidence *or an order prohibiting the introduction of certain evidence or the calling of certain witnesses,* the people must file, in addition to a notice of appeal or, as the case may be, an affidavit of errors, a statement asserting that the deprivation of the use of the evidence ordered suppressed *or precluded* has rendered the sum of the proof available to the people with respect to a criminal charge which has been filed in the court either (a) insufficient as a matter of law, or (b) so weak in its entirety that any reasonable possibility of prosecuting such charge to a conviction has been effectively destroyed.

2. The taking of an appeal by the people, pursuant to subdivision eight *or nine* of section 450.20, from an order suppressing evidence *or an order prohibiting the introduction of certain evidence or the calling of certain witnesses,* constitutes a bar to the prosecution of the accusatory instrument involving the evidence ordered suppressed *or precluded,* unless and until such suppression *or preclusion* order is reversed upon appeal and vacated.

§3. This act shall take effect thirty days after it shall have become a law.

2. Entering Order of Protection in Conjunction with Youthful Offender Adjudication (CPL 530.12, 530.13)

The Committee recommends that sections 530.12 and 530.13 of the Criminal Procedure Law be amended to provide that an order of protection may be entered in conjunction with a youthful offender adjudication. Section 530.12(5) now permits an order of protection to be entered "[u]pon conviction of any crime or violation between spouses, parent and child, or between members of the same family or household." Section 530.13(4) similarly provides for entry of an order of protection "[u]pon conviction of any offense." Because, however, a youthful offender adjudication is not a conviction (CPL §720.35(1)), sections 530.12 and 530.13 do not permit an order of protection to be entered when a conviction is replaced by a youthful offender finding. This measure would correct this apparent legislative oversight and would ensure that courts have the power to protect victims and their families where defendant is adjudicated a youthful offender.

Proposal

AN ACT

To amend the criminal procedure law in relation to entering order of protection in conjunction with youthful offender adjudication

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision five of section 530.12 of the criminal procedure law, as amended by chapter six hundred twenty of the laws of nineteen hundred eighty-six, is amended to read as follows:

5. Upon conviction of any crime or violation between spouses, parent and child, or between members of the same family or household, the court may in addition to any other disposition, including a conditional discharge *or youthful offender adjudication,* enter an order of protection. The duration of such an order shall be fixed by the court and, in the case of a felony conviction, shall not exceed the greater of: (i) five years from the date of such conviction, or (ii) three years from the date of the expiration of the maximum term of an indeterminate sentence of imprisonment actually imposed; or in the case of a conviction for a class A misdemeanor, shall not exceed three years from the date of such conviction; or in the case of a conviction for any other offense, shall not exceed one year from the date of conviction. In addition to any other conditions, such an order may require the defendant:

(a) to stay away from the home, school, business or place of employment of the family or household member, the other spouse or the child;

(b) to permit a parent to visit the child at stated periods;

(c) to abstain from offensive conduct against the child or against the family or household member or against any person to whom custody of the child is awarded; or

(d) to refrain from acts of commission or omission that tend to make the home not a proper place for the family or household member.

§2. Subdivision four of section 530.13 of such law, as amended by chapter six hundred twenty of the laws of nineteen hundred eighty-six, is amended to read as follows:

4. Upon conviction of any offense, where the court has not issued an order of protection pursuant to section 530.12 of this article, the court may, in addition to any other disposition, including a conditional discharge *or youthful offender adjudication,* enter an order of protection. The duration of such an order shall be fixed by the court and in the case of a felony conviction, shall not exceed the greater of: (i) five years from the date of such conviction, or (ii) three years from the date of the expiration of the maximum term of an indeterminate sentence of imprisonment actually

imposed; or in the case of a conviction for a class A misdemeanor, shall not exceed three years from the date of such conviction; or in the case of a conviction for any other offense, shall not exceed one year from the date of conviction. In addition to any other conditions such an order may require that the defendant:

(a) stay away from the home, school, business or place of employment of the victim or victims of such offense;

(b) refrain from harassing, intimidating, threatening or otherwise interfering with the victim or victims of the offense and such members of the family or household of such victim or victims as shall be specifically named by the court in such order.

§3. This act shall take effect thirty days after it shall have become a law.

3. Termination of a Criminal Action in Favor of the Accused (CPL 160.50)

The Committee recommends that subdivision two of section 160.50 of the Criminal Procedure Law be amended to provide that a person is not entitled to have his or her records sealed and fingerprints returned pursuant to subdivison one of that section unless the court finds that such person has not been convicted previously of a felony or of an offense based upon the criminal transaction that is the subject of the action before the court and that no related or unrelated accusatory instruments against such person are pending in any New York State court. The Committee also recommends that two obsolete references be deleted from paragraph (b) of subdivison two of section 160.50.

In 1976, the Legislature enacted section 160.50 of the Criminal Procedure Law, which provides that upon termination of a criminal action or proceeding in favor of the accused, the court shall enter an order (1) directing law enforcement agencies to return all photographs, palm prints and fingerprints to the accused and (2) requiring all official records and papers on file with the court and any law enforcement agency to be sealed (CPL §160.50(1)). Section 160.50 "serves the laudable goal of insuring that one who is charged but not convicted of an offense suffers no stigma as a result of his having once been the object of unsustained accusation." *Hynes* v. *Karassik*, 47 N.Y.2d 659, 662 (1979). The implementation of the sealing and return provisions of section 160.50, however, imposes an enormous administrative burden on the Unified Court System and the Division of Criminal Justice Services. It is estimated that these agencies spend approximately $850,000 a year to comply with the requirements of section 160.50.

As it now is written, section 160.50 applies upon termination of an action in favor of the accused, whether or not the accused has a prior criminal record or is the subject of other pending criminal actions. Moreover, because termination of an action in favor of the accused is defined to include an order dismissing the entire accusatory instrument [CPL §160.50(2) (a), (b), (d)], an accused is entitled to sealing whenever all of the charges in a single accusatory instrument have been dismissed, regardless whether he or she has been convicted on a charge arising out of the same criminal transaction but contained in a separate accusatory instrument.

In light of the time and expense required to comply with section 160.50, the Advisory Committee on Criminal Law and Procedure believes that the benefits of the sealing and return provisions of section 160.50 should not be available to a defendant who has a prior felony conviction or against whom other criminal charges are pending in a court of this State. Nor should a defendant who has been convicted of a related charge contained in a separate accusatory instrument be entitled to have his or her records sealed and fingerprints returned. The proposed amendment to section 160.50 would ensure that the protections of that section are extended to only those defendants who deserve a fresh start and who actually will benefit from having their records sealed and fingerprints returned.

This measure also would amend section 160.50 to eliminate two obsolete references. Section 160.50(2)(b) now provides, *inter alia*, that a sealing order shall be issued whenever an order to dismiss the entire accusatory instrument has been entered pursuant to section 170.75 of the Criminal Procedure Law or section 81.25 of the Mental Hygiene Law. Since these statutes have been repealed, references to them should be deleted from section 160.50.

Proposal

AN ACT

To amend the criminal procedure law, in relation to termination of a criminal action in favor of the accused

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The opening paragraph of subdivision two of section 160.50 of the criminal procedure law, as amended by chapter nine hundred five of the laws of nineteen hundred seventy seven, is amended to read as follows:

(2) For the purposes of subdivision one of this section, a criminal action or proceeding against a person shall be considered terminated in favor of such person where *the court finds that such person has not been convicted previously of any felony or of an offense based upon the criminal transaction that is the subject of such action or proceeding, and no accusatory instrument against such person is pending in this state, whether or not such accusatory instrument is related to such action or proceeding, and:*

§2. Paragraph (b) of subdivison two of section 160.50 of such law, as amended by chapter nine hundred five of the laws of nineteen hundred seventy seven, is amended to read as follows:

(b) an order to dismiss the entire accusatory instrument against such person pursuant to section 170.30, 170.50, 170.55, 170.56, [170.75,] 180.70, 210.20, or 210.46 of this chapter [or section 81.25 of the mental hygiene law] was entered or deemed entered and the people have not appealed from such order or the determination of an appeal or appeals by the people from such order have been against the people; or

§3. This act shall take effect sixty days after it shall have become law.

4. Appeal from Order Included in Judgement (CPL 460.10)

The Committee recommends that section 460.10 (1) (a) of the Criminal Procedure Law be amended to provide that an appeal from an order and sentence included in a judgment must be taken within 30 days after imposition of sentence. Legislative action to effect such amendment was recommended by the Court of Appeal in *People* v. *Coaye, 68* N.Y. 2d *857,* N.Y.L.J., Oct. 17, 1986, p. 12, cols. 6-7.

In *Coaye,* the trial court reduced a conviction pursuant to section 330.30 of the Criminal Procedure Law and immediately imposed sentence. Defendant filed his notice of appeal within 30 days of judgment. The People, however, waited several weeks before submitting an order modifying the verdict pursuant to the court's decision and then appealed from that order. Defendant claimed that the People's appeal was untimely.

The Court of Appeals accepted defendant's argument that the People's time to appeal ran from the date of the judgment, rather than the date of the order. It held that where an order and sentence are subsumed in a judgment triggering defendant's time to appeal, section 460.10 of the Criminal Procedure Law must be read to require that an appeal from an order modifying a conviction be taken within 30 days after the imposition of sentence. The Court suggested, however, that the ambiguity giving rise to the dispute in *Coaye* be addressed by the Legislature.

In accordance with the suggestion of the Court of Appeals, the Committee undertook to prepare a remedial amendment to Section 460.10 (a) of the Criminal Procedure Law. This measure, which reflects that amendment, provides that a party seeking to appeal from an order and sentence included in a judgment must file a notice of appeal within 30 days after sentence is imposed. This amendment would eliminate any ambiguity as to the time for taking an appeal from an order and sentence subsumed in a judgment, and meets with the approval of the Court of Appeals.

Proposal

AN ACT

To amend the criminal procedure law, in relation to appeal from an order and sentence included in a judgment

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (a) of subdivision one of section 460.10 of the criminal procedure law is amended to read as follows:

(a) A party seeking to appeal from a judgment or [the] *a* sentence *or an order and sentence* included within [it] *such judgment,* or from a resentence, or from an order of a criminal court *not included in a judgment,* must, within thirty days after imposition of the sentence or as the case may be, within thirty days after service upon him of a copy of such order, file with the clerk of the criminal court in which such sentence was imposed or in which such order was entered a written notice of appeal, in duplicate, stating that such party appeals therefrom to a designated appellate court.

§2. This act shall take effect thirty days after it shall have become a law.

5. Establishment of a Procedure for Securing Evidence by Use of Electronic Video Surveillance (CPL Article 695)

The Committee recommends that the Criminal Procedure Law be amended by the addition of a new Article 695, to establish statutory guidelines for the use of video electronic surveillance as an extraordinary means of obtaining evidence of criminal activity. Legislative action establishing such guidelines was recommended by the New York Court of Appeals in *People* v. *Teicher,* 52 N.Y. 2d 638 (1981).

The principal features of the proposed new article modeled after Articles 690 (search warrants) and 700 (eavesdropping) of the Criminal Procedure Law, include:

Proposed section 695.05

This section defines critical terms employed in new Article 695. Of special note, "video surveillance" is defined to be "the intentional visual observation of a person by means of a television camera or other similar electronic device that is part of a television transmitting apparatus, whether or not such observation is recorded on film or videotape, and under circumstances whereby such observation, in the absence of a video surveillance warrant, infringes upon such person's reasonable expectation of privacy under the constitution of this state or of the United States." Also, a "video surveillance warrant" is defined to be an order of a justice of the Appellate Division or of the Supreme Court, or an order of a county court judge, "authorizing video surveillance."

Proposed section 695.10

This section sets forth general restrictions applicable to a video surveillance warrant. In particular, the warrant may be executed only by a police officer, peace officer or district attorney, or a person acting pursuant to such an official's direction, and it may not authorize surveillance of a specific person for any period longer than 30 days (or until the objective of the surveillance is achieved, if sooner.)

Proposed section 695.15

This section describes the circumstances under which a video surveillance warrant may issue. *First,* it must be upon a proper application. *Second,* there must be probable cause to believe that the person who will be the object of video surveillance is committing or is about to commit a specified offense. *Third,* there must be probable cause to believe that activity related to the commission of such offense will be observed through video surveillance. *Fourth,* normal non-electronic investigative procedures must first be exhausted unsuccessfully or demonstrated to be unavailing if attempted. *Fifth,* there must be probable cause to believe that the place where video surveillance is to be conducted is being used in connection with the offense or somehow is linked with the person to be subject to such surveillance.

Proposed section 695.20

This section prescribes the contents of an application

for a video surveillance warrant. Such an application must be made *ex parte* and in writing.

Proposed section 695.25

This section provides that a judge or justice may grant an application and issue the video surveillance warrant, deny the application, or require the applicant to furnish additional testimony or documentary evidence in support of the application.

Proposed section 695.30

This section describes the form and content of a video surveillance warrant. Required are: specific information concerning the issuance of the warrant (applicant, court, etc.); a description and the identity, if known, of the person(s) to be subject to video surveillance; description of the place(s) to be subject to such surveillance, the activity sought to be observed and the offense to which it relates; the identity of the person(s) who will conduct the surveillance; specification as to time period during which surveillance is authorized; a minimization provision; and, if necesary, express authorization to make secret entry upon premises to install any equipment required to conduct surveillance.

Proposed section 695.35

This section expressly provides that a video surveillance warrant must be executed according to its terms, and any surveillance thereunder must cease upon termination of the authorization in the warrant.

Proposed section 695.40

This section, substantially similar to section 700.40, authorizes issuance of an order of extension of a video surveillance warrant. The extension may not exceed 30 days, and is available only upon a proper application (which must satisfy the same requirements as the initial application for a warrant), supplemented by a summary of the activities observed through surveillance to date and an explanation for the failure thus far to achieve the warrant's objective.

Proposed section 695.45

This section, substantially similar to section 700.50, provides that the judge or justice who issues a video surveillance warrant may require periodic progress reports. It also requires that, upon termination of authorized surveillance, all tapes or records shall be made available to the judge or justice who issued the warrant therefor and sealed under his directions. Within 90 days of the termination of a video surveillance warrant (or an extension order), written notice of particulars relating to its issuance and its execution must be served upon persons named in the warrant. Thereafter, any person so served may, in the court's discretion, inspect tapes or records or the video surveillance warrant (and any extension orders) or applications therefor.

Proposed section 695.50

This section, substantially similar to seciton 700.55, provides for the custody of applications for video surveillance warrants and the warrants, if any, issued by a judge or justice.

Proposed section 695.55

This section, substantially similar to section 700.65, regulates disclosure and use of information derived from authorized video surveillance.

Proposed section 695.60

This section, substantially similar to section 700.70, provides for the exclusion at trial of the contents of any recording made pursuant to a video surveillance warrant, and any evidence derived therefrom, unless the prosecutor serves defendant with a copy of the video surveillance warrant and the application therefor within 15 days following arraignment. The court may, however, upon a showing of good cause and a finding of no prejudice to defendant, extend the 15 day period.

Proposed section 695.65

This section clarifies that a video surveillance warrant obtained in accordance with the provisions of Article 695 shall be deemed to include authorization to conduct eavesdropping simultaneously with video surveillance.

* * *

We are not unmindful of the distinctly Orwellian overtones of this proposal. In the surreptious viewing and recording of a private person's activities, there looms the spectre of "Big Brother" and all of the abuses so vividly protrayed in that classic work of fiction, *1984*. We point out, however, that this proposal would not operate to permit video surveillance; rather, it is intended to circumscribe its use as an investigative technique by police and prosecutors in a fashion designed to safeguard the rights and the privacy of the public.

In the *Teicher* case, a unanimous Court of Appeals declared that "a warrant may issue to authorize the video taping of evidence to be admitted at a subsequent [criminal] trial, provided certain procedures are followed and certain safeguards are observed." 52 N.Y. 2d at 642. The defendant there, a dentist, was convicted of sexually abusing two of his female patients while they were sedated. On appeal, defendant contended that the videotape of one of his patient's visits, recorded by a camera secreted in a treatment room pursuant to a warrant, should not have been admitted into evidence.

Defendant's convictions were affirmed by the Court of Appeals, over defendant's contention that Title III of the Federal Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. §2510-2520) precludes electronic surveillance in cases of sexual abuse arising out of the victim's incapacity to consent because the offense is not among those crimes enumerated in subdivision 2 of 18 U.S.C. §2516. *See People* v. *Shapiro*, 50 N.Y. 2d 747 (1980). The Federal wiretapping statute, the Court held, does not preempt State law in the field of video electronic surveillance, for it does not apply to — nor does it prohibit — the type of surveillance challenged.

More importantly, the *Teicher* Court rejected defendant's argument that video surveillance is so intrusive that it must be prohibited on the ground that it is unreasonable *per se* under the Fourth Amendment. The Court wrote: "the Fourth Amendment does not mandate an absolute ban on video surveillance any more than it mandates a total prescription on electronic eavesdropping." 52 N.Y. 2d at

653. Moreover, the warrant used in *Teicher*, although improvised because of the absence of statutory guidelines relating to application therefore and to proper form and content, nonetheless met the constitutional requirements outlined for aural eavesdropping in *Berger* v. *New York*, 388 U.S. 41 (1967), and *Katz* v. *United States*, 389 U.S. 347 (1967), which the Court of Appeals has declared to be equally applicable to video electronic surveillance.

Although upholding video surveillance in *Teicher*, the Court of Appeals expressly limited its opinion, and the guidance to be drawn from it [52 N.Y. 2d at p. 656 (emphasis supplied)]:

> As we have stressed, the constitutional requirements outlined for eavesdropping in *Berger* v. *New York* (388 U.S. 41, *supra*), and *Katz* v. *United States* (389 U.S. 347, *supra*) are equally applicable to the area of video surveillance. While we have discussed several of these requirements in the instant case, our opinion should not be construed as an inventory of each of the necessary elements for such a warrant. The degree of intrusiveness inherent in video electronic surveillance demands unswerving adherence to each of the limitations placed upon the use of this device. *Moreover, because the use of this investigative technique poses a threat to the privacy of citizens, legislative scrutiny of the field and the enactment of specific guidelines would appear to be in order.*

This proposal would implement the Court's suggestion. It prescribes strict conditions to be met before a judge may issue a warrant authorizing video surveillance, and equally strict procedures to be followed in the warrant's execution. Significantly, it authorizes issuance of a video surveillance warrant only as a last resort, when it is clear that all normal nonelectronic investigative techniques have failed to produce evidence, or would fail if tried. *See* proposed §695.20 (2)(d). The *Berger/Katz* standards as to eavesdropping are embraced; accordingly, probable cause, specificity and minimization standards have been included and patterned after those set forth in Article 700 of the Criminal Procedure Law with respect to eavesdropping warrants. Provisions for recording, extension orders, notice, sealing, and the disclosure and use of information derived from video surveillance have also been included, likewise paralleling those prescribed by Article 700.

This proposal, recommended last year as well, has been changed from last year as well, has been changed from last year's proposal to include misdemeanor conspiracy among the offenses for which video surveillance may be authorized and to permit video surveillance of a particular place, where there is probable cause to believe that such place is being used, or is about to be used, in connection with the commission of a specified offense.

Proposal

AN ACT

To amend the criminal procedure law, in relation to securing evidence by use of video surveillance

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The criminal procedure law is amended by adding a new article six hundred ninety-five to read as follows:

Article 695-VIDEO SURVEILLANCE WARRANTS

§695.05 *Video surveillance warrants; definition of terms.*
§695.10 *Video surveillance warrants; in general.*
§695.15 *Video surveillance warrants; when issuable.*
§695.20 *Video surveillance warrants; application.*
§695.25 *Video surveillance warrants; determination of application*
§695.30 *Video surveillance warrants; form and content.*
§695.35 *Video surveillance warrants; manner and time of execution.*
§695.40 *Video surveillance warrants; order of extension.*
§695.45 *Video surveillance warrants; progress reports and notices.*
§695.50 *Video surveillance warrants; custody of warrants, applications and recordings.*
§695.55 *Video surveillance warrants; disclosure and use of information; order of amendment.*
§695.60 *Video surveillance warrants; notice before use of evidence.*
§695.65 *Video surveillance warrants; deemed to include authorization for eavesdropping.*

§695.05 *Video surveillance warrants; definition of terms.*

As used in this article, the following terms have the following meanings:

1. "Video surveillance" means the intentional visual observation of a person by means of a television camera or other similar electronic device that is part of a television transmitting apparatus, whether or not such observation is recorded on film or videotape, and under circumstances whereby such observation, in the absence of a video surveillance warrant, infringes upon such persons's reasonalbe expectation of privacy under the constitution of this state or of the United States.

2. "Video surveillance warrant" means an order issued by a justice authorizing video surveillance.

3. "Justice", except as otherwise provided herein, means any justice of an appellate division of the judicial department in which the video surveillance warrant is to be executed, or any justice of the supreme court of the judicial district in which the video surveillance warrant is to be executed, or any county court judge of the county in which the video surveillance warrant is to be executed.

4. "Exigent circumstances" means conditions requiring the preservation of secrecy, and whereby there is a reasonable likelihood that a continuing investigation would be thwarted by alerting any of the persons subject to surveillance to the fact that such surveillance had occurred.

5. "Law Enforcement Officer" means any police officer, peace officer or district attorney.

6. "Specified offense" means any felony defined by the penal law or a conspiracy or an attempt to commit any such felony.

§695.10 Video surveillance warrants; in general. 1. Under circumstances prescribed in this article, a justice may issue a video surveillance warrant upon ex parte application of a district attorney or the attorney general.

2. A video surveillance warrant may only be executed by a law enforcement officer or a person acting pursuant to his direction or in cooperation with him.

3. No video surveillance warrant may authorize or approve the video surveillance of any person for any period longer than is necessary to achieve the objective of the authorization, or in any event longer than thirty days.

§695.15. Video surveillance warrants; when issuable. A video surveillance warrant may be issued only upon: 1. An appropriate application made in conformity with this article; and

2. Probable cause to believe that a person is committing or is about to commit a specified offense; and

3. Probable cause to believe that a particular activity related to the commission of a specified offense will be observed through the use of video surveillance; and

4. A showing that normal, nonelectronic investigative procedures have been tried and have failed, or reasonably appear to be unlikely to succeed if tried, or to be too dangerous to employ; and

5. Probable cause to believe that the place where the video surveillance is to be conducted is being used, or is about to be used, in connection with the commission of a specified offense, or is leased to, listed in the name of, or commonly used by such person.

§695.20. Video surveillance warrants; application. 1. An ex parte application for a video surveillance warrant must be made to a justice in writing, and must be subscribed and sworn to by the applicant therefor.

2. The application must contain: (a) The identity of the applicant and a statement of the applicant's authority to make such application; and

(b) A particular description of the place or places where the video surveillance is to be conducted, and, if known, a particular description and the identity of the person or persons whose activities are sought to be observed; and

(c) A full and complete statement of the facts and circumstances relied upon by the applicant to justify his belief that a video surveillance warrant should be issued, including a statement of facts supporting a finding of probable cause to believe the matters set forth in subdivisions two, three and five of section 695.15; and

(d) A full and complete statement of facts establishing that normal, nonelectronic investigative procedures have been tried and have failed, or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ, to obtain the evidence sought; and

(e) A statement of the period of time for which the video surveillance is required to be maintained. If the nature of the investigation is such that the authorization for video surveillance should not automatically terminate when the described type of activity has been first observed, a particular description of facts establishing probable cause to believe that additional activity of the same type will occur thereafter; and

(f) A full and complete statement of facts concerning all previous applications, known to the applicant, for a video surveillance warrant involving any of the same persons or places specified in the application, and the action taken by the justice on each such application.

3. Allegations of fact in the application may be based either upon the personal knowledge of the applicant or upon information and belief. If the applicant personally knows the facts alleged, it must be so stated. If the facts stated in the application are derived in whole or part from the statements of persons other than the applicant, the sources of such facts must be either disclosed or described, and the application must contain facts establishing the existence and reliability of the informants or the reliability of the information supplied by them. The application must also state, so far as possible, the basis of the informant's knowledge or belief. Affidavits of persons other than the applicant may be submitted in conjunction with the application if they tend to support any fact or conclusion alleged therein. Such accompanying affidavits may be based either on personal knowledge of the affiant, or information and belief with the source thereof and the reason therefor specified

§695.25. Video surveillance warrants; determination of application. 1. If the application conforms to section 695.20, the justice may require the applicant to furnish additional testimony or documentary evidence in support of the application. He may examine, under oath, any person for the purpose of determining whether grounds exist for the issuance of the warrant pursuant to section 695.15. Any such examination must be either recorded or summarized in writing.

2. If the justice determines on the basis of the facts submitted by the applicant that grounds exist for the issuance of a video surveillance warrant pursuant to section 695.15, the justice may grant the application and issue a video surveillance warrant, in accordance with section 695.30.

3. If the application does not conform to section 695.20, or if the justice is not satisfied that grounds exist for the issuance of a video surveillance warrant, the application must be denied.

§695.30 Video surveillance warrants; form and content. A video surveillance warrant must contain: 1. The name of the applicant, date of issuance, and the subscription and title of the issuing justice; and

2. If known, a particular description and the identity of the person or persons whose activities are to be subject to video surveillance; and

3. A particular description of the place or places to be subject to video surveillance; and

4. A particular description of the activity sought to be observed, and a statement of the specified offense to which it relates; and

5. The identity of the person or persons authorized to conduct the video surveillance; and

6. The period of time during which the video surveillance is authorized, including a statement as to whether or not it shall automatically terminate when the described activity has been first observed; and

7. A provision that the authorization for video surveil-

lance shall be executed as soon as practicable, shall be conducted in such a way as to minimize the surveillance of activities not specifically sought to be observed by the terms of the warrant, and must terminate upon attainment of the authorized objective, or in any event in thirty days; and

8. An express authorization to make secret entry upon a private place or premises to intall any instrument, device or equipment necessary to conduct video surveillance, if such entry is necessary to execute the warrant.

§695.35. Video surveillance warants; manner and time of execution. 1. A video surveillance warrant must be executed according to its terms by the person or persons authorized therein.

2. Upon termination of the authorization in the warrant, video surveillance as provided therein must cease and any instrument, device or equipment installed for such purpose must be removed or permanently inactivated as soon as practicable. Entry upon a private place or premise for the removal or permanent inactivation of such instrument, device or equipment is deemed to be authorized by the warrant.

3. Any activity observed by video surveillance by any means authorized by this article must be recorded. The recording of such activity must be done in such a way as will protect the recording from editing or other alterations.

§695.40 Video surveillance warrants; order of extension. At any time prior to the expiration of a video surveillance warrant, the applicant may apply to the issuing justice, or, if he is unavailable, to another justice, for an order of extension. The period of entension shall be no longer than the justice deems necessary to achieve the purposes for which it was granted and in no event longer than thirty days. The application for an order of extension must conform in all respects to the provisions of section 695.20 and, in addition, must contain a statement summarizing the activities thus far observed through the video surveillance, together with a reasonable explanation for the failure to achieve completely the warrant's authorized objective.

The provisions of sections 695.15 and 695.25 are applicable in the determination of such application. The order of extension must conform in all respects to the provisions of section 695.30. In the execution of such order of extension the provisions of section 695.35 are applicable.

§695.45. Video surveillance warrants; progress reports and notice. 1. A video surveillance warrant may require reports to be made to the issuing justice showing what progress has been made toward achievement of the authorized objective and the need for continued video surveillance. Such reports shall be made at such intervals as the justice may require.

2. Immediately upon the expiration of the period of a video surveillance warrant, the records made pursuant to subdivision three of section 695.35 must be made available to the issuing justice and sealed under his directions.

3. Within a reasonable time, but in no case later than ninety days after termination of a video surveillance warrant, or expiration of an extension order, except as otherwise provided in subdivision four of this section, written notice of the fact and date of the issuance of the video surveillance warrant, and of the period of authorized video surveillance, and of the fact that during such period, activities of any person or persons were or were not observed through such surveillance, must be personally served upon each person named in the warrant and such other parties to the observed activities as the justice may determine in his discretion is in the interest of justice. The justice, upon filing of a motion by any person served with such notice, may in his discretion make available to such person or his counsel for inspection such portions of the records made pursuant to subdivision three of Section 695.35, any video surveillance warrant or order of extension and any applications therefor as the justice determines to be in the interest of justice.

4. On a showing of exigent circumstances to the issuing justice, the service of the notice requried by subdivision three of this section may be postponed by order of the justice for a reasonable period of time. Renewals of an order of postponement may be obtained on a new showing of exigent circumstances.

§695.50. Video surveillance warrants; custody of warrants, applications and recordings. 1. Applications made and warrants issued under this article shall be sealed by the justice. Any video surveillance warrant, together with a copy of papers upon which the application is based, shall be delivered to and retained by the applicant as authority for the surveillance authorized therein. A copy of such video surveillance warrant, together with all the original papers upon which the application was based, must be retained by the justice issuing the same, and, in the event of the denial of an application for such a video surveillance warrant, a copy of the papers upon which the application was based must be retained by the justice denying the same. Such applications and warrants may be disclosed only upon a showing of good cause before a court and may not be destroyed except on order of the issuing or denying justice, and in any event must be kept for ten years.

2. Custody of the recordings made pursuant to subdivision three of section 695.35 may be wherever the justice orders. They may not be destroyed except upon an order of the justice who issued the warrant and in any event must be kept for ten years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of subdivisions one and two of section 695.55 for investigations.

§695.55. Video surveillance warrants; disclosure and use of information; order of amendment. 1. Any law enforcement officer who, by any means authorized by this article, has obtained knowledge of the contents of any recording of an observed activity, or evidence derived therefrom, may disclose such contents to another law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

2. Any law enforcement officer who, by any means authorized by this article, has obtained knowledge of any of the contents of any recording of an observed activity, or evidence derived therefrom, may use such contents to the extent such use is appropriate to the proper performance of his official duties.

3. Any person who has received, by any means

authorized by this article, any information concerning an activity, or evidence derived therefrom, observed in accordance with the provisions of this article, may disclose that activity or such derivitive evidence while giving testimony under oath in any criminal proceeding in any court or in any grand jury proceeding; provided however, that the presence of the seal provided for by subdivision two of section 695.45, or a satisfactory explanation of the absenee thereof, shall be a prerequisite for the use or disclosure of any activity or evidence derived therefrom.

4. When a law enforcement officer who, by any means authorized by this article, records an activity which was not otherwise anticipated and which constitutes evidence of any crime that has been, is being or is about to be committed, the contents of such recording, and evidence derived therefrom, may be disclosed or used as provided in subdivisions one and two of this section. Such contents and any evidence derived therefrom may be used under subdivision three of this section when a justice amends the video surveillance warrant to include such contents. The application for such amendment must be made by the applicant as soon as practicable. If the justice finds that such contents were recorded in accordance with the provisions of this article, he may grant the application.

§695.60. Video surveillance warrants; notice before use of evidence. The recording of any activity, or evidence derived therefrom, may not be received in evidence or otherwise disclosed upon a trial of a defendant unless the people, within fifteen days after arraignment and before the commencement of the trial, furnish the defendant with a copy of the video surveillance warrant, and accompanying application, under which recording was authorized or approved. This fifteen day period may be extended by the trial court upon good cause shown if it finds that the defendant will not be prejudiced by the delay in receiving such papers.

§695.65. Video surveillance warrants; deemed to include authorization for eavesdropping. A video surveillance warrant obtained in accordance with the provisions of this article shall be deemed to include authorization to conduct eavesdropping, as defined in section 700.05, simultaneously with video surveillance.

§2. Section 710.20 of such law, as amended by chapter eight of the laws of nineteen hundred seventy-six, subdivision three as amended by chapter two hundred fourteen of the laws of nineteen hundred eight-two, subdivision five as added and subdivision six as so renumbered by chapter four hundred eighty-one of the laws of nineteen hundred eighty-three, is amended to read as follows:

§710.20 Motion to suppress evidence; in general; grounds for. Upon motion of a defendant who (a) is aggrieved by unlawful or improper acquisition of evidence and has reasonable cause to believe that such may be offered against him in a criminal action, or (b) claims that improper identification testimony may be offered against him in a criminal action, a court may, under circumstances prescribed in this article, order that such evidence be suppressed or excluded upon the ground that it:

1. Consists of tangible property obtained by means of an unlawful search and seizure under circumstances precluding admissibility thereof in a criminal action against such defendant; or

2. Consists ~~of a record~~ or potential testimony reciting or describing declarations or conversations overheard or recorded by means of eavesdropping, obtained under circumstances precluding admissibility thereof in a criminal action against such defendant; or

3. Consists of a record or potential testimony reciting or describing a statement of such defendant involuntarily made, within the meaning of section 60.45; or

4. *Consists of video surveillance accomplished in violation of the provisions of article six hundred ninety-five; or*

5. Was obtained as a result of other evidence obtained in a manner described in [subdivisions] *subdivision* one, two [and], three *or four;* or

[5] *6.* Consists of a chemical test of the defendant's blood administered in violation of the provisions of section eleven hundred ninety-four-a of the vehicle and traffic law or any other applicable law; or

[6] *7.* Consists of potential testimony regarding an observation of the defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the case, which potential testimony would not be admissible upon the prospective trial of such charge owing to an improperly made previous identification of the defendant by the prospective witness.

§3. This act shall take effect on the sixtieth day after it shall have become a law.

6. Disclosure of Prior Uncharged Criminal, Vicious or Immoral Acts

(CPL 240.43)

The Committee recommends that a new section 240.43 be added to the Criminal Procedure Law to provide that upon request by a defendant, within five days of jury selection, the district attorney shall disclose all specific instances of prior criminal, vicious or immoral conduct intended to be introduced for impeachment purposes at trial.

In *People* v. *Sandoval*, 34 N.Y. 2d 271 (1974), the Court of Appeals approved a procedure whereby defendant may secure a ruling, in advance of trial, limiting the prosecutor's use on cross-examination of prior criminal, vicious and immoral acts. The Court of Appeals held that, "In each case the defendant shall inform the court of the prior convictions and misconduct which might unfairly affect him as a witness in his own behalf." 34 N.Y. 2d at 378.

The First Department recently has called into question so much of *Sandoval* as suggests that the defendant has the burden of informing the court of prior uncharged crimes to secure a pretrial ruling on the scope of cross-examination as to such crimes. In *People* v. *Simpson*, 109 A.D. 2d 461 (1st Dept. 1985), the Court noted that it is proper to place this burden on defendant with respect to prior arrests, since both the prosecutor and the defense equally are aware of these matters. As concerns prior uncharged crimes, however, the Court held that it is unrealistic to expect defendants to

inform their counsel of crimes for which they never were arrested and unfair to assume that defendant in fact is guilty of such crimes. 109 A.D. 2d at 465-466. The Court concluded that the requirement that defendant inform the court of prior uncharged crimes "effectively precludes pretrial consideration by the court of the appropriateness of the most doubtful kind of cross-examination." 109 A.D. 2d at 466.

Following the First Department's suggestion in *People* v. *Simpson*, this measure would place the burden on the district attorney to disclose to defendant, within five days of jury selection, prior criminal conduct intended to be used for impeachment purposes. Since the court's reasoning applies equally well to prior vicious or immoral conduct that the People intend to rely on at trial, this measure also would require pretrial disclosure of such conduct. The measure would not affect the existing requirement that defendant bring to the court's attention prior convictions and arrests on which an advance ruling as to the permissible scope of cross-examination is sought.

This measure, recommended last year as well, has been changed from last year's proposal to provide that disclosure of prior uncharged criminal, vicious or immoral acts need not take place until the period of five days prior to jury selection.

Proposal

AN ACT

To amend the criminal procedure law, in relation to disclosure of prior uncharged criminal, vicious or immoral acts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 240 of the Criminal Procedure Law is amended by adding a new section 240.43 to read as follows:

§240.43. Discovery; disclosure of prior uncharged criminal, vicious or immoral acts. Upon request by a defendant, the prosecutor shall disclose, within the period of five days prior to jury selection, all specific instances of prior uncharged criminal, vicious or immoral conduct of which the prosecutor has knowledge and which the prosecutor intends to use at trial for the purpose of impeaching the credibility of the defendant.

§2. The act shall take effect on the first day of November next succeeding the date on which it shall have become a law.

7. Conversion of Misdemeanor Complaint to Information (CPL 100.40, 170.65)

The Committee recommends that sections 100.40 and 170.65 of the Criminal Procedure Law be amended to permit a misdemeanor complaint to be converted to an information based on the unsworn testimony of a child witness, where such unsworn testimony is supported by sworn allegations tending to connect defendant with the offense charged.

Under present law, unless defendant waives prosecution by information, a misdemeanor complaint must be replaced by an information (CPL §170.65 (1), (3)). An information is a written accusation that must be verified by being sworn to before the court in which it is filed, a desk officer or any of his superior officers, or a notary public, or by having the deponent sign a form bearing notice that false statements therein are punishable as a class A misdemeanor. CPL §§100.10, 100.30.

The requirement of prosecution by sworn information may present a problem where the complainant is a child. Section 60.20 (2) of the Criminal Procedure Law provides that a child less than twelve years old may not testify under oath unless the court is satisfied that he understands the nature of an oath. Where a child cannot be sworn under section 60.20 (2) because he does not understand the nature of an oath, the requirement that his accusations be verified cannot be satisfied, and the information thereby may be rendered legally insufficient. *See People* v. *Bryan S.*, N.Y.L.J., 9/12/85, p. 6, col. 6 (Crim. Ct. N.Y. Co.).

If the inability of a child to swear to an information results in dismissal of an information for insufficiency, the prosecutor's sole recourse is to ask the grand jury to direct the district attorney to file a prosecutor's information with a local criminal court) *see* CPL §190.60(2)). Since section 60.20 (2) permits a child witness who cannot be sworn to give unsworn oral testimony where the court is satisfied that the child possesses sufficient intelligence and capacity to justify reception thereof, the grand jury may direct the filing of a prosecutor's information on the basis of such unsworn testimony, together with any supporting evidence. In *People* v. *Bryan S.*, the Court noted that it was aware of the difficulty and expense of securing a prosecutor's information for misdemeanor charges. Thus, as a practical matter, the requirement of securing a prosecutor's information may result in the discontinuation of prosecution of many cases in which a child complainant cannot be sworn.

In view of the large number of child abuse cases in which this issue may arise, the Court in *People* v. *Bryan S.* recommended that the Legislature amend the Criminal Procedure Law to permit a complaint to be converted to an information based on unsworn, but reliable, testimony of a child, together with corroborating evidence. This measure seeks to implement the Court's suggestion by appropriate amendments to sections 100.40 (1) (c) and 170.65 (1) of the Criminal Procedure Law. It provides that where a complaint does not satisfy the requirements for a valid information solely because of the inability of a child less than 12 years old to understand the nature of an oath, such requiace of the present necessity of obtaining a prosecutor's information, this measure would substitute a simple procedure that would protect victims of child abuse without violating defendant's rights.

This measure, recommended last year as well, has been changed from last year's proposal to clarify that the child's unsworn allegations must be supported by sworn allegations in the accusatory instrument or supporting deposition tending to connect defendant with the offense charges.

AN ACT

To amend the criminal procedure law, in relation to converting misdemeanor complaints to informations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. paragraph (c) of subdivision one of section 100.40 of the criminal procedure law, is amended to read as follows:

(c) [Non-hearsay] *Except as otherwise provided in subdivision one of section 170.65, nonhearsay* allegations of the factual part of the information and / or of any supporting depositions establish, if true, every element of the offense charged and the defendant's commission thereof.

§2. Subdivision one of section 170.65 of such law is amended to read as follows:

1. A defendant against whom a misdemeanor complaint is pending is not required to enter a plea thereto. For purposes of prosecution, such instrument must, except as provided in subdivision three, be replaced by an information, and the defendant must be arraigned thereon. If the misdemeanor complaint is supplemented by a supporting deposition and such instruments taken together satisfy the requirements for a valid information, such misdemeanor compliant is deemed to have been converted to and to constitute a replacing information. *Where a misdemeanor complaint does not satisfy the requirements for a valid information solely because of the inability of a child less than twelve years old to understand the nature of an oath, the aforesaid requirements shall be deemed satisfied where the unsworn allegations of such child, as set forth in the accusatory instrument or supporting deposition, if true, are sufficient to establish every element of the offense charged and of defendant's commission thereof, and are supported by sworn allegations in the accusatory instrument or supporting deposition tending to connect the defendant with the offense charged.*

§3. This act shall take effect thirty days after it shall have become a law.

8. Videotaping of Examination on Commission (CPL Article 680)

The Committee recommends that sections 680.10, 680.20, 680.60, 680.70 and 680.70 of the Criminal Procedure Law be amended to permit an examination of a witness on commission to be videotaped.

In its Ninth Annual Report to the Chief Administrator of the Courts and the Judicial Conference (p. 149), the Advisory Committee recommended that Article 660 be amended to permit a conditional examination to be videotaped, because:

> The use of videotape in preserving deposition testimony provides a procedure which assures the accuracy and the integrity of the record. It provides a permanent viewable record of both direct testimony and cross-examination of the deponent, thereby enabling the jury to observe the demeanor of the witness while testifying.

Article 660 was amended in 1980 in accordance with the recommendations of the Advisory Committee. No corresponding amendment, however, was made to Article 680 with respect to examinations on commission. Since the only distinction between an examination on a commission and a conditional examination is that the former takes place out of state (*see People* v. *Simpson*, N.Y.L.J., 5/20/85, p. 15, cols. 4-5, n.4), the same reasons for permitting a conditional examination to be videotaped obtain for an examination on commission. Article 680 therefore should be amended to expressly authorize videotaping of such examinations.

Proposal

AN ACT

To amend the criminal procedure law, in relation to videotaping of examinations of witnesses on commission

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section 680.20 of the criminal procedure law is renumbered to be four and a new subdivision three is added to such section to read as follows:

3. The application for issuance of a commission may request that the examination pursuant thereto, in addition to its being recorded in the same manner as would be required were the witness testifying at trial, be recorded in the same manner as would be required were the witness testifying at trial, be recorded by videotape or other photographic or electronic method in conformance with standards and administrative policies promulgated pursuant to section twenty-eight of article six of the constitution.

§2. Paragraph (d) of subdivision one of section 680.60 of such law is amended to read as follows:

(d) A direction that, upon completion of such examination, such commissioner or commissioners cause it to be transcribed and remit to the court the transcript, the commission, the interrogatories and all other pertinent instruments and documents. *The court may, in addition, direct that the examination also be recorded by videotape or other photographic or electronic method in conformance with standards and administrative policies promulgated pursuant to section twenty-eight of article six of the constitution.*

§3. Subdivisions one and five of section 680.70 of such law are amended to read as follows:

1. Each witness must testify under oath, and the examinations must be recorded and transcribed *in the manner directed pursuant to paragraph (d) of subdivision one of section 680.60.*

5. [After the examination is transcribed,] *The transcript and any videotape or photographic or electronic recording of the examination must be certified by* the commissioner or commissioners [must subscribe and certify the transcript] as an accurate record of the proceedings, and must then [remit such transcript and] *be remitted to the court that issued the commission, together with* all other pertinent instruments, documents and evidence [to the court which issued the commission], in accordance with the directions [thereof] *of the commission.*

§4. Subdivision two of section 680.80 of such law is amended to read as follows:

2. Upon the trial of the action, either party may, subject to the provisions of subdivision three, introduce and read into evidence the transcript or that portion thereof containing the testimony of a witness examined on the commission and may play any videotape or photographic or electronic recording of such testimony.

§5. This act shall take effect thirty days after it shall have become a law.

9. Reduction of Peremptory Challenges (CPL 270.25)

The Committee recommends that section 270.25 of the Criminal Procedure Law be amended to reduce the number of peremptory challenges alloted to a single defendant from 20 to 15 if the highest crime charged is a Class A felony, from 15 to 12 if the highest crime charged is a Class B or C felony, and from ten to eight in all other cases. Where two or more defendants are tried together, the number of peremptory challenges alloted would remain at 20 for Class A felony, 15 for a Class B or C felony, and ten for all other cases. The Committee further proposes that, for good cause shown, the court be permitted to increase the number of peremptory challenges available to either single or multiple defendants.

After conducting an intensive study of the method of jury selection in New York, the Subcommittee on the Jury System of the Advisory Committee on Court Administration, chaired by the Hon. Caroline K. Simon, recommended the reduction of the number of peremptory challenges to the levels proposed herein as a means of improving the efficiency of our jury selection system. Subcommittee on the Jury System, *Interim Report*, 1976/77. The Subcommittee based its recommendation on the following specific findings:

> 1. There is a direct correlation between the number of peremptory challenges permitted and the excessively large size of panels sent to *voir dire*.
>
> 2. Peremptory challenges extend the time necessary to conduct *voire dire*, which has the effect of delaying trials and congesting court calendars.
>
> 3. The use of the challenge provokes hostility and resentment on the part of jurors who are peremptorily excused.
>
> 4. The availability of a large number of peremptory challenges in criminal cases can result in systematic exclusion of particular groups from jury service in a given trial.
>
> 5. It is questionable whether the peremptory challenge accomplishes the purpose for which it was devised — producing an impartial jury: indeed, it may convincingly be argued that it is used by attorneys to pick a biased jury rather than an unbiased one.

The Subcommittee also noted that New York now allows more challenges in felony cases than most other states.

This Committee agrees with these findings and recommends this proposal as an effective method of reducing a significant amount of delay in the conduct of criminal jury trials, without diminishing the fairness of the trail. Our proposal would permit the court, for good cause shown, to increase the number of alloted peremptory challenges allowed to single or multiple defendants. We feel this authority is necessary to preserve the rights of the parties in exceptional cases.

This measure, recommended last year as well, has been changed from last year's proposal to distinguish between single and multiple defendants and to provide the latter with a greater number of peremptory challenges.

Proposal

AN ACT

To amend the criminal procedure law, in relation to the number of peremptory challenges

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions two and three of section 270.25 of the criminal procedure law are amended to read as follows:

2. [Each] *When one defendant is tried, each* party must be allowed the following number of peremptory challenges:

(a)[Twenty] *Fifteen* for the regular jurors if the highest crime charged is a class A felony, and two for each alternate juror to be selected, *except that, for good cause shown, the court may allow up to five additional peremptory challenges to regular jurors.*

(b)[Fifteen] *Twelve* for the regular jurors if the highest crime charged is a class B or class C felony, and two for each alternate juror to be selected, *except that, for good cause shown, the court may allow up to three additional peremptory challenges to regular jurors.*

(c)[Ten] *Eight* for the regular jurors in all other cases, and two for each alternate juror to be selected, *except that, for good cause shown, the court may allow up to two additional peremptory challenges to regular jurors.*

3. When two or more defendants are tried jointly, [the number of peremptory challenges prescribed in subdivision two is not multiplied by the number of defendants, but such defendants] *each party must be allowed the following number of peremptory challenges:*

(a) Twenty for the regular jurors if the highest crime charged is a class A felony, and two for each alternate juror to be selected, except that, for good cause shown, the court may allow up to five additional peremptory challenges to regular jurors.

(b) Fifteen for the regular jurors if the highest crime charged is a class B or class C felony, and two for each alternate juror to be selected, except that, for good cause shown, the court may allow up to three additional peremptory challenges to regular jurors.

(c) Ten for the regular jurors in all other cases, and two for each additional juror to be selected, except that, for good cause shown, the court may allow up to two additional peremptory challenges to regular jurors.

All defendants tried jointly are to be treated as a single party. In any such case, a peremptory challenge by one or more defendants must be allowed if a majority of the defendants join in such challenge. Otherwise, it must be disallowed.

§3. This act shall take effect sixty days after it shall have become a law.

10. Use of Conditional Examinations and Prior Testimony (CPL 660.20, 660.50, 670.10)

Seven years ago, the Committee recommended an amendment to Article 660 of the Criminal Procedure Law to authorize the videotaping of conditional examinations, to

expand authorization for use of these examinations and to expand the use of prior testimony in general. Although authorization for videotaping was adopted in the 1979-80 session of the Legislature, the remainder of the Committee's proposal was not passed. The Committee now recommends that section 660.20 be amended to allow conditional examinations of witnesses where there is a showing of an attempt to induce the witness to be absent or otherwise unavailable to testify, and to permit the use of prior testimony given at any pretrial hearing when all statutory conditions are met. The Committee further proposes that section 660.50 of the Criminal Procedure Law be amended to provide that upon request by either party, the court must order that a conditional examination be videotaped in addition to being transcribed.

The expansion of the use of conditional examinations to situations where there is an attempt to induce the witness to be absent is a reasonable response to those rare situations in which this authority is necessary. This especially is true now that the examination may be videotaped, thereby enabling the trier of fact to obtain a complete view of the witness as well as a transcript of the testimony.

Authority to use transcripts of prior testimony given at pretrial hearings likewise is reasonable and desirable, since the statute already permits the use of previous testimony given at preliminary hearings upon felony complaints. Other previous testimony is no less reliable and, therefore, also should be admissable when all other statutory requirements are met. The United States Supreme Court has determined that the use of previous testimony of an unavailable witness does not violate the confrontation clause of the United States Constitution, when adequate safeguards similar to those applicable *in New York* exist to ensure the reliability of the testimony. *Ohio* v. *Roberts*, 448 U.S. 56 (1980).

This measure, recommended last year as well, has been changed from last year's proposal to provide that a conditional examination must be videotaped upon request by either party. The Committee is of the view that given improvements in videotaping technology since 1980, the parties should have the prerogative of having a conditional examination videotaped in addition to being transcribed.

Proposal

AN ACT

To amend the criminal procedure law, in relation to conditional examination of witnesses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 660.20 of the criminal procedure law is amended to read as follows:

§660.20 Examination of witnesses conditionally; grounds for order. An order directing examination of a witness conditionally must be based upon the [ground] *grounds* that there is reasonable cause to believe that such witness[: 1. Possesses] *possesses* information material to the criminal action or proceeding in issue[;], and *that:*

[2. Will] *1. The witness will* not be amenable or responsive to legal process or available as a witness at a time when his testimony will be sought, either because he is [:

(a) About] *about* to leave the state and not return for a substantial period of time[;] or *he is*

[(b) Physically] *physically* ill or incapacitated*; or*

2. there has been an attempt to induce such person to absent himself from, or otherwise to avoid or seek to avoid appearing or testifying at such action or proceeding.

§2. Subdivision three of section 660.50 of such law, as added by chapter two hundred ninety-one of the laws of nineteen hundred eighty, is amended to read as follows:

3. The court must order that the examination be recorded in the same manner as would be required were the witness testifying at trial, and the court may, [in addition,] *and upon request by a party must,* order that the examination also be recorded by videotape or other photographic *or electronic* method [approved by and subject to] *in conformance with* standards and administrative policies promulgated pursuant to section twenty-eight of article six of the constitution.

§3. Subdivision one of section 670.10 of such law, as amended by chapter two hundred ninety-one of the laws of nineteen hundred eighty, is amended to read as follows:

1. Under circumstances prescribed in this article, testimony given by a witness at (a) a *hearing or* trial of an accusatory instrument, or (b) [a hearing upon a felony complaint conducted pursuant to section 180.60, or (c)] an examination of such witness conditionally, conducted pursuant to article six hundred sixty, may, where otherwise admissable, be received into evidence at a subsequent proceeding in or relating to the action involved when at the time of such subsequent proceeding the witness is unable to attend the same by reason of death, illness or incapacity, or cannot with due diligence be found, or is outside the state or in federal custody and cannot with due diligence be brought before the court. Upon being received into evidence, such testimony may be read and any videotape or photographic recording thereof played. Where any recording is received into evidence, the stenographic transcript of that examination shall also be received.

§4. This act shall take effect immediately.

11. Discharge of Alternate Jurors (CPL 270.30, 270.35)

The Committee recommends that section 270.30 of the Criminal Procedure Law be amended to provide that alternate jurors may return to their homes and employment during jury deliberations, and that the language of section 270.30 be conformed to that of section 270.35 of the Criminal Procedure Law. The Committee further proposes that section 270.35 of the Criminal Procedure Law be amended to provide that, upon request by either party, an alternate juror substituted for a discharged juror must be read any supplemental instructions given to the jury.

Section 270.30 now provides that alternate jurors who have not been discharged on consent of the parties shall be kept separate and apart from the regular jurors during jury deliberations. This apparently requires alternate jurors to be sequestered while the jury deliberates. Pursuant to section 270.35 of the Criminal Procedure Law, once jury delibera-

tions begin, an alternate juror cannot be substituted for a discharged juror without defendant's consent.

In view of the very slight possibility of defendant's consenting to the substitution of an alternate juror after jury deliberations have commenced, the Committee believes it is unfair to detain alternate jurors for the duration of jury deliberations. Alternate jurors instead should be allowed to return to their homes or work until such time as their presence is required in court. To insure that an alternate juror substituted for a discharged juror is given the benefit of any supplemental instructions given to the jury during deliberations, this measure amends section 270.35 to provide that such instructions shall be read to the alternate juror upon request by either party.

This measure also amends the language of section 270.30 to conform to that of section 270.35. The phrase, "After the jury has retired to deliberate" in the third sentence of section 270.30 is changed to the more technically precise phrase, "After the trial jury has begun its deliberations." this change will eliminate any ambiguity as to whether defendant's consent to substitution is necessary if a juror becomes ill or unable to serve on the way from the jury box to the deliberation room.

This measure modifies last year's proposal, which would have required defendant to consent in advance to the substitution of an alternate juror for a discharged juror should the need therefore arise. This measure achieves the same objective of freeing alternate jurors from the constraints of sequestration, without increasing the risk of mistrial due to the lack of availability of alternate jurors where defendants are unwilling to commit themselves in advance to substitution.

Proposal

AN ACT

To amend the criminal procedure law, in relation to the discharge of alternate jurors

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 270.30 of the criminal procedure law, as amended by chapter two hundred sixty-seven of the laws of nineteen hundred seventy-nine, is amended to read as follows:

§270.30. Trial jury; alternate jurors. Immediately after the last trial juror is sworn, the court may in its discretion direct the selection of one or more, but not more than four additional jurors to be known as "alternate jurors." Alternate jurors must be drawn in the same manner, must have the same qualifications, must be subject to the same examination and challenges for cause and must take the same oath as the regular jurors. After the jury has [retired to deliberate] *begun its deliberations*, the court must [either (1) with the consent of the defendant and the people,] discharge the alternate jurors *if the defendant and the people consent to such discharge. If the defendant and the people do not so consent, the court must* [or (2)] direct the alternate jurors not to discuss the case and must further direct that they be kept separate and apart from the regular jurors. *The court may, however, permit the alternate jurors to return to their homes and employment until such time as their presence is required in court.*

'§2. Section 270.35 of the criminal procedure law, as amended by chapter seventy-seven of the laws of nineteen hundred seventy-five, is amended to read as follows:

§270.35. Trial jury; discharge of juror; replacement by alternate juror. If at any time after the trial jury has been sworn and before the rendition of its verdict, a juror is unable to continue serving by reason of illness or other incapacity, or for any other reason is unavailable for continued service, or the court finds, from facts unknown at the time of the selection of the jury, that a juror is grossly unqualified to serve in the case or has engaged in misconduct of a substantial nature, but not warranting the declaration of a mistrial, the court must discharge such juror. If an alternate juror or jurors are available for service, the court must order that the discharged juror be replaced by the alternate juror whose name was first drawn and called, provided, however, that if the trial jury has begun its deliberations, the defendant must consent to such replacement. Such consent must be in writing and must be signed by the defendant in person in open court in the presence of the court. *Upon the request of either the defendant or the people, any alternate juror who replaces a discharged juror must be read any supplemental instructions given to the jury during its deliberations.* If no alternate juror is available, the court must declare a mistrial pursuant to subdivision three of section 280.10.

§3. This act shall take effect thirty days after it shall have become law.

IV. Conclusion

The Committee will continue to meet regularly to study and discuss all significant proposals affecting criminal law and procedure. We express our gratitude to the Chief Judge, the Chief Administrative Judge and the Judicial Conference, for their support in achieving our shared objective of improving the criminal law.

Respectfully submitted,

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December, 1986

Note: The Advisory Committee recognizes with appreciation the contributions to the contents of this Report made by past members of the Committee whose terms of service to the Committee expired before the report was completed: Larry I. Palmer, Esq., E. Donald Shapiro, Esq., Hon. Penny M. Wolfgang and Peter Zimroth, Esq.

1987 Report

of the

Family Court and Rules Committee

to the

Chief Administrator of the Courts

of the

State of New York

December, 1986

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I. Introduction

The Family Court Advisory and Rules Committee, one of the standing advisory committees established by the Chief Administrator of the Courts pursuant to section 212 (1) (q) of the Judiciary Law, and section 212 (b) of the Family Court Act annually recommends to the Chief Administrator legislative proposals in the areas of Family Court procedure and family law that may be incorporated in the Chief Administrator's legislative program. The Committee makes its recommendations on the basis of its own studies, examination of decisional law and recommendations received from the bench and bar. The Committee maintains a liaison with the New York State Judicial Conference committees of judges and committees of bar associations, legislative committees, and such agencies as the New York State Commission on Child Support and the Task Force on Permanency Planning. In addition to recommending its own annual legislative program, the Committee reviews and comments on other pending legislative measures concerning Family Court and family law.

In this 1987 Report, the Committee recommends a total of six bills for enactment by the 1987 Legislature. Of these, three have been previously endorsed in whole or in part, while three are entirely new.

Part II of this Report summarizes each of the measures previously submitted and explains the purpose in each instance.

Part III summarizes each of the measures being submitted for the first time or being resubmitted in a modified form and explains its purpose.

The three new measures would effect the following changes: (1) repeal section 516 of the Family Court Act to eliminate court approval for an agreement or compromise for child support of an out-of-wedlock child, barring other remedies for such support; (2) amend section 384-b of the Social Service Law to add a person on the court's direction to those who may initiate a proceeding to terminate parental rights when an agency ordered to do so by the court, fails to do so; and (3) amend section 439 of the Family Court Act to clarify procedures for the filing and review of objections to a hearing examiner's order in a support proceeding. The modified measures would: (1) eliminate the vestigial jurisdiction remaining in the Family Court over proceedings for the education of children with handicapping conditions; and (2) codify statutorily the factors that may be considered by a Supreme Court justice or Family Court judge in making a custody award between parents.

In Parts II and III, individual summaries are followed by drafts of appropriate legislation.

Part IV briefly discusses pending and future projects under Committee consideration for legislation.

The following measures recommended in the 1986 Report of the Family Court Advisory and Rules Committee to the Chief Administrator of the Courts of the State of New York were enacted into law by the 1986 Legislature:

1. Senate 7630 — An Act to amend the Family Court Act in relation to warrants for persons alleged to be in need of supervision, enacted as Chapter 459 of the Laws of 1986.

2. Senate 5142 — An Act to amend the Family Court Act in relation to child support, enacted as part of Chapter 892 of the Laws of 1986.

The Committee continues to solicit the comments and suggestions of bench, bar, academic community and public, and invites the sending of all observations, suggestions and inquiries to:

Professor Kevin C. Fogarty, *Chair*
Family Court Advisory and Rules Committee
Office of Court Administration (Suite 1402)
270 Broadway
New York, New York 10007

In May of 1986, the Chief Administrator announced the expansion and restructuring of the Family Court Advisory and Rules Committee, increasing its membership from 18 to 22, including two ex-officio members. Further, in order to bring a wider variety of expertise to bear on Committee work, term rotation for membership was initiated.

Hon. Jack Turret, who asked to be relieved of duties as Chairperson due to the press of his assignment as an acting Supreme Court Justice, was succeeded by Professor Kevin C. Fogarty, a former Family Court Judge, now on the faculty of St. John's University School of Law. A membership list of the expanded Committee concludes this Report.

II. Previously Endorsed Measures

1. Granting Concurrent Jurisdiction to Family Court with Surrogate's Court in Proceedings Relating to Guardianship of the Person of Minors.
(FCA §661)

The Committee continues to recommend amendment of section 661 of the Family Court Act to eliminate the present limitation of that section to guardianship of minors "under the jurisdiction of the court." Doing so will enable the Family Court to exercise jurisdiction over guardianship of the person of a minor concurrent with that of the Surrogate's Court, while leaving intact the present exclusive jurisdiction of the Surrogate's Court (with the Supreme Court) over guardianship of the property of minors.

At the present time, petitioners who wish to transfer, or be the recipients of, guardianship status over the persons of minors must apply to Surrogate's Court instead of Family Court, unless the minor already is within the jurisdiction of the Family Court in connection with another proceeding. However, the Family Court, which is an amalgam of the earlier Children's Court and Domestic Relations Court, was intended to be the court exercising primary jurisdiction over the persons of children, their care and custody. Even in 1962, when section 661 was enacted as part of the Family Court act, the Joint Committee on Reorganization suggested that it may be desirable, after opportunity to observe the workings of the new Family Court, to give it jurisdiction over proceedings originated for the purpose of appointing a guardian of the person of a minor. This has not been done.

The problem is highlighted in *Matter of Rita and Michael N.*, 122 Misc. 2d 1 (Fam. Ct., Queens Co., 1983), a custody case in Family Court involving petitioner parents,

aunts, uncle and paternal and maternal grandparents, all of whom filed petitions for custody. The court stated that this was really a subterfuge to circumvent the court's lack of jurisdiction, for what they really needed was letters of guardianship of a minor in order to: allow the parent to enter military service free of custody of a child; obtain social security benefits; enter a child into school; acquire insurance coverage; and to have authority to sign up for possible benefits at some future date. Judge Fogarty, in his opinion noted that the parties had come to Family Court as the "court of common convenience" to seek court recognition of facts that already exist.

Extending this original jurisdiction to Family Court by eliminating the indicated portion of the section would allow the predominantly *pro se* constituency of the Family Court to apply for letters of guardianship over the person of minors to cover circumstances arising with great frequency in their lives, *i.e.,* extended family relationships, single parent households, etc. — and to do so in a court in which they are most familiar and which is structured to handle these very issues.

Proposal

AN ACT

To amend the family court act, in relation to guardianship of a child

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six hundred and sixty-one of the family court act is amended to read as follows:

§661. Jurisdiction. The family court has like jurisdiction and authority as is now conferred on county and surrogates courts as concerns the guardianship of the person of a minor [under the jurisdiction of the court].

§2. This act shall take effect immediately.

III. New or Modified Measures

1. Elimination of the Vestigial Family Court Jurisdiciton in Proceedings for the Education of Children with Handi capping Conditions.
(FCA §§232, 236; Educ. Law §§4401, 4406)

The Committee continues to recommend the amendment of the Family Court Act and the Education Law to remove the remaining jurisdiction of the Family Court in proceedings pertaining to the eduction of children with handicapping conditions.

The present proposal is somewhat modified from the one recommended heretofore and reflects legislative changes in Family Court jurisdiction resulting from the enactment of Chapter 683 of the Laws of 1986. That measure removed the Family Court's jurisdiction over proceedings involving summer programs for handicapped children over 5 years of age, leaving the Family Court with jurisdiction over proceedings involving children under 5 years of age for services during the school year and the summer months.

This measure would repeal section 236 of the Family Court Act, which authorizes the court to enter orders for special education for children under 5 years of age, and correspondingly would repeal section 4406 of the Education Law, which complements section 236 of the Family Court Act. It also would amend subdivision (b) of section 232 of the Family Act, the definitional section, to conform the definition of a physically handicapped child to the definition in section 2581 of the Public Health Law, thereby allowing the Family Court to retain its power to order necessary services other than educational services for a child, *i.e.,* medical, surgical or therapeutic services or hospital care.

In 1976, the Legislature, recognizing the undesirability of the Family Court having jurisdiction over education for handicapped children, removed most of this responsibility from that court, setting up a regional administrative structure in its place. Left unchanged, however, was the need for a Family Court order to cover special services for children under the age of 5 years during the school year and for all children during the summer months when school is not in session. In the last legislative session, the need for a Family Court order to cover children over the age of 5 for services during the summer months was eliminated. As a consequence, at the present time, the Family Court retains jurisdiction over educational services for children under 5 years of age during the entire year.

It has been the position of this Committee that full responsibility for determining and providing for the educational needs of all handicapped children regardless of age appropriately rests elsewhere and that the vestiges of Family Court jurisdiction in this area should be repealed. As recognized by the Legislature in 1976, the Court does not possess the special expertise to make the determinations necessary to fashion an individualized education program for a child with handicapping conditions. A bill eliminating that responsibility has been introduced in the Legislature for a number of years with the approval of this body. Numerous other bills have been introduced in the Legislature from time to time seeking to accomplish this result or part of it, but so far no change has been enacted into law because of unresolved questions concerning the role of executive branch agencies in this process. This measure simply opts for the same structure for pre-school age children that now exists for administering the needs of school-age children —placing the administration of those needs with executire branch agencies who presently are required to handle them.

Proposal

AN ACT

To amend the family court act and the education law, in relation to providing for the education of children with handicapping conditions and to repeal section two hundred thirty-six of the family court act and section forty-four hundred six of the education law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (b) of section two hundred thirty-two of the family court act, as amended by chapter six hundred fifty-four of the laws of nineteen hundred eighty-six, is amended to read as follows:

(b) "Child with physical disabilities" means a person under twenty-one years of age who [,] *is handicapped* by reason of a physical disability, whether congenital or

acquired by accident, injury or disease, [is or may be expected to be totally or partially incapacitated for education or for remunerative occupation, as provided in the education law,] or has a physical disability, as provided in section two thousand five hundred eighty-one of the public health law.

§2. Section two hundred thirty-six of such act is REPEALED.

§3. Subdivision one of section forty-four hundred one of the education law, as amended by chapter fifty-three of the laws of nineteen hundred eighty-six, is amended to read as follows:

1. A "child with a handicapping condition" means a person *who:*

a. (i) is under the age of twenty-one [who] *and* is entitled to attend public schools pursuant to section thirty-two hundred two of this chapter, *or (ii) is under the age of five and is not entitled to attend school without the payment of tuition purusant to section thirty-two hundred two of this chapter;* and who,

b. because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. Such term does not include a child whose education needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors. "Special education" means specially designed instruction which includes special services or programs as delineated in subdivision two of this section, and transportation, to meet the individual educational needs of a child with a handicapping condition.

§4. Section forty-four hundred six of such law is REPEALED.

§5. This act shall take effect on the first day of September next succeeding the date on which it shall have become a law.

REPEAL NOTE: Section two hundred thirty-six of the family court act, proposed to be repealed by this act, gives the family court jurisdiction over the eductional needs of certain handicapped children. Section forty-four hundred six of the education law, proposed to be repealed by this act, prescribes the procedures to be followed in children-with-handicapping conditions proceedings in the family court. These sections would be rendered obsolete by the enactment of this measure, which would place the educational needs of all handicapped children with the state education department.

2. Factors to be Considered by a Court in Making an Award of Custody between Parents (DRL §§70 and 240; FCA §§447, 467, 549, 651 and 652)

This Committee continues to recommend the amendment of pertinent sections of the Domestic Relations Law and the Family Court Act to list relevant factors to be considered by a court in making an award of custody where the issue arises between parents in a matrimonial proceeding or in an independent custody proceeding. The measure, with respect to its procedural aspects, also has the approval of the Advisory Committee on Civil Practice.

This measure would amend sections 70 and 240 of the Domestic Relations Law, which relate to an award of custody between parents in a proceeding in Supreme Court, to list guidelines and criteria now scattered in case law. The measure also would add a provision to these sections requiring the court, where the issue of custody is contested, to state in writing the factors considered in making custody awards and the reasons for the decision. This last represents a modification to last year's bill, which did not limit this requirement to contested proceedings. Finally, this measure also would amend sections 447, 467, 549, 651 and 652 of the Family Court Act, by incorporating in these provisions a reference to section 240 of the Domestic Relations Law and thereby adding this codification of guidelines to the Family Court proceedings involving custody.

Under present law, the court has the ultimate authority and responsibility to determine which parent shall have custody of a child based upon what it conceives to be the best interest of the child. Factors considered relevant in making these determinations appear in a number of cases. *Friederwitzer* v. *Friederwitzer*, 55 N.Y. 2d 89 (1982); *Eschbach* v. *Eschbach*, 56 N.Y. 2d 167 (1982). Nevertheless, custody determinations, especially where contested, continue to be complicatd and time-consuming, and the resultant delay and trauma for the child has been a matter of concern to the Committee. In its view, a legislative codification culled from case law would be of benefit to the judges and counsel and should help bench and bar shape the proceeding more expeditiously. This should result in the narrowing of issues, greater speed in the disposition of the case, and a clear record upon which an appeal can effectively be disposed of.

Proposal

AN ACT

To amend the domestic relations law and the family court act, in relation to child custody

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy of the domestic relations law, as amended by chapter five hundred sixty-four of the laws of nineteen hundred sixty-four, is amended to read as follows:

§70. Habeas corpus for child detained by parent. *1.* Where a minor child is residing within this state, either parent may apply to the supreme court for a writ of habeas corpus to have such minor child brought before such court; and on the return thereof, the court, on due consideration, may award the natural guardianship, charge and custody of such child to either parent for such time, under such regulations and restrictions, and with such provisions and directions, as the case may require, and may at any time thereafter vacate or modify such order. In all cases there shall be no prima facie right to the custody of the child in either parent, but the court shall determine solely what is for the best interest of the child, and what will best promote its welfare and happiness, and make award accordingly.

2. In awarding custody between the parties, the court shall consider and evaluate all relevant factors, which may include:

a. the child's emotional, physical and education needs, including adjustment in school, home and the community, and need for stability;

b. the arrangements for the child proposed by each party;

c. the interrelationship and interaction of the child with the parent;

d. the interaction and interrelationship of the child with siblings and others who may significantly affect the child's best interests;

e. the committment of the parent to the care, supervision and guidance of the child;

f. the mental and physical health of the individuals involved;

g. the preference of the child, if the court deems the child competent to express a preference;

h. the custodial plans for the child's siblings;

i. the willingness of each of the parents to encourage and facilitate a close and continuing parent-child relationship between the child and the other parent, and the reasons, if unwilling;

j. any other factor considered by the court to be relevant in the determination of custody in the particular case.

3. In any decision made pursuant to subdivision two of this section where custody is contested, the court shall set forth in writing the factors it considered and the reasons for its decision. This requirement may not be waived by the parties or counsel.

§2. Subdivision one of section two hundred forty of such law, as amended by chapter six hundred ninety-five of the laws of nineteen hundred eighty-one, is amended to read as follows:

1. In any action or proceeding brought (1) to annul a marriage or to declare the nullity of a void marriage, or (2) for a separation, or (3) for a divorce, or (4) to obtain, by a writ of habeas corpus or by petition and order to show cause, the custody of or right to visitation with any child of a marriage, the court must give such direction, between the parties, for the custody, care, education and maintenance of any child of the parties, as, in the court's discretion, justice requires, having regard to the circumstances of the case and of the respective parties and to the best interests of the child. *In any decision made pursuant to this section where custody is contested, the court shall set forth in writing the factors it considered and the reasons for its decision. This requirement may not be waived by the parties or counsel. The court shall consider and evaluate all relevant factors, which may include:*

(a) the child's emotional, physical and educational needs, including adjustment in school, home and the community, and need for stability;

(b) the wishes of the child's parent or parents with respect to the child's custody;

(c) the interrelationship and interaction of the child with the parent;

(d) the interaction and interrelationship of the child with siblings and others who may significantly affect the child's best interests;

(e) the commitment of the parent to the care, supervision and guidance of the child;

(f) the mental and physical health of the individuals involved;

(g) the preference of the child, if the court deems the child competent to express a preference;

(h) the custodial plans for the child's siblings;

(i) the willingness of each of the parents to encourage and facilitate a close and continuing parent-child relationship between the child and the other parent, and the reasons, if unwilling;

(j) any other factor considered by the court to be relevant in the determination of custody in the particular case.

In all cases there shall be no prima facie right to the custody of the child in either parent. Such direction may make provision for the education and maintenance of such child out of the property of either or both of its parents. Such direction may provide for reasonable visitation rights to the maternal and/or paternal grandparents of any child of the parties. Such direction may require the payment of a sum or sums of money either directly to the custodial parent or to third persons for goods and services furnished for such child, or for both payments to the custodial parent and to such third persons. Such direction shall require that where either parent has health insurance available through an employer or organization that may be extended to cover the child and when the court determines that the employer or organization will pay for a substantial portion of the premium on any such extension of coverage, that such parent exercise the option of additional coverage in favor of such child and execute and deliver any forms, notices, documents or instruments necessary to assure timely payment of any health insurance claims for such child. When both parents have health insurance available to them and the court determines that the policies are complementary, the court may order both parents to exercise the option of additional coverage as provided herein. Such direction shall be effective as of the date of the application therefor, and any retroactive amount of support due shall be paid in one sum or periodic sums, as the court shall direct, taking into account any amount of temporary support which has been paid. Such direction may be made in the final judgment in such action or proceeding, or by one or more orders from time to time before or subsequent to final judgment, or by both such order or orders and the final judgment. Such direction may be made notwithstanding that the court for any reason whatsoever, other than lack of jurisdiction, refuses to grant the relief requested in the action or proceeding. Any order or judgment made as in this section provided may combine in one lump sum any amount payable to the custodial parent under this section with any amount payable to such parent under section two hundred

thirty-six. Upon the application of either parent, or of any other person or party having the care, custody and control of such child pursuant to such judgment or order, after such notice to the other party or parties or persons having such care, custody and control and given in such manner as the court shall direct, the court may annul or modify any such direction, whether made by order or final judgment, or in case no such direction shall have been made in the final judgment may, with respect to any judgment of annulment or declaring the nullity of a void marriage rendered on or after September first, nineteen hundred forty, or any judgment of separation or divorce whenever rendered, amend the judgment by inserting such direction. Subject to the provisions of section two hundred forty-four of this chapter, no such modification or annulment shall reduce or annul arrears accrued prior to the making of such application unless the defaulting party shows good cause for failure to make application for relief from the judgment or order directing such payment prior to the accrual of such arrears. Such modification may increase such support nunc pro tunc as of the date of application based on newly discovered evidence. Any retroactive amount of support due shall be paid in one sum or periodic sums, as the court shall direct, taking into account any amount of temporary support which has been paid.

§3. Subdivision (a) of section four hundred forty-seven of the family court act is amended to read as follows:

(a) In the absence of an order of custody or of visitation entered by the supreme court, the court may make an order of custody or of visitation, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law*, requiring one parent to permit the other to visit the children at stated periods without an order of protection, even where the parents are divorced and the support order is for a child only.

§4. Subdivision (c) of section four hundred sixty-seven of such act, as amended by chapter forty of the laws of nineteen hundred eighty-one, amended to read as follows:

(c) In any determination of an application pursuant to this section, the family court shall have jurisdiction to determine such applications, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law*, with the same powers possessed by the supreme court, and the family court's disposition of any such application is an order of the family court applicable only under article eleven of this act.

§5. Subdivision (a) of section five hundred forty-nine of such act, as added by chapter nine hundred fifty-two of the laws of nineteen hundred seventy-one, is amended to read as follows:

(a) If an order of filiation is made or if a paternity agreement or compromise is approved by the court, in the absence of an order of custody or of visitation entered by the supreme court the family court may make an order of custody or of visitation, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law*, requiring one parent to permit the other to visit the child or children at stated periods.

§6. Section six hundred fifty-one of such act, as amended by chapter two hundred fifty of the laws of nineteen hundred eighty-three, is amended to read as follows:

§ 651. Jurisdiction over habeas corpus proceedings and petitions for custody and visitation of minors. (a) When referred from the supreme court or county court to the family court, the family court has jurisdiction to determine, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law and* with the same powers possessed by the supreme court in addition to its own powers, habeas corpus proceedings and proceedings brought by petition and order to show cause, for the determination of the custody or visitation of minors.

(b) When initiated in the family court, the family court has jurisdiction to determine, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law and* with the same powers possessed by the supreme court in addition to its own powers, habeas corpus proceedings and proceedings brought by petition and order to show cause, for the determination of the custody or visitation of minors.

§. 7. Subdivision (c) of section six hundred fifty-two of such act, as added by chapter forty of the laws of nineteen hundred eighty-one, is amended to read as follows:

(c) In any determination of an application pursuant to this section, the family court shall have jurisdiction to determine such applications, *in accordance with the factors set forth in subdivision one of section two hundred forty of the domestic relations law*, with the same powers possessed by the supreme court, and the family court's disposition of any such application is an order of the family court appealable only under article eleven of this act.

§ 8. This act shall take effect immediately.

3. Elimination of Court Approval for Agreement or Compromise for Child Support of an Out-of-Wedlock Child (FCA §516)

The Committee recommends the repeal of section 516 of the Family Court Act, which requires court approval for an agreement between the mother and putative father for the support and education of an out-of-wedlock child and, when so approved, bars other remedies for the support and education of the child.

It is the view of the Committee that this section is no longer needed or justified because of the significant advances made in the blood genetic marker tests, the statutory enactments requiring their use, and the evidentiary weight the courts are required to accord their results.

Section 516, enacted in 1962 but derived from the old Domestic Relations Law, served two purposes. One was to encourage putative fathers to settle paternity claims, thereby reducing the necessity for legal proceedings. The agreement offered the putative father certainty and a limitation on the father's future support obligation, and the interests of the child and mother were protected by the requirement for judicial review. The second was that the statute helped ensure that the child would not be without support from the father. By furnishing an incentive to settle, the statute tended to prevent support of the out-of-wedlock child from becoming lost in the intricacies of the process and the

uncertainty of adjudicatory outcome. *Bacon* v. *Bacon* 46 N.Y. 2d 477, 480 (1979).

However, a number of events have taken place that moved the Committee to recommend the repeal of this section. While blood grouping tests have been in use in paternity proceedings for some time, they were admissible under section 532 of the Family Court Act only for the purposes of excluding the respondent as father. As a result of scientific advances in the field, the Legislature, impressed by the accuracy of the tests, recently amended section 532 to require the use of blood tests as positive evidence of paternity as well. In addition, appellate courts have indicated that the test results are almost tantamount to evidentiary certitude. *Barber* v. *Davis* 120 A.D. 2d 364 (1st Dept., decided May, 1986); *Department of Social Services* v. *Thomas J.S.*, 100 A.D. 2d 119 (2d Dept., decided March 19, 1984); *Matter of Abwilda W.*, 122 A.D. 2d 950 (2d Dept., decided August, 1986).

In addition to blood testing having advanced so that it establishess paternity with greater certitude, recent legislation requires expedited support proceedings and expands enforcement options, thus making support more readily attainable. Finally, section 513 of the Family Court Act has been amended to make it clear that in-wedlock and out-of-wedlock children must be treated similarly for the purposes of support, thus ending uncertainty about support awards for out-of-wedlock children.

All of these developments, in the opinion of the Committee, have rendered the compromise procedure contained in section 516 involving court approval and a bar to other remedies for child support, unnecessary, inappropriate and no longer in the child's best interests. The policy considerations upon which the section was based no longer obtain. In fact, the enforcement of a compromise agreement such as that contemplated under section 516 for the future support of an out-of-wedlock child may now be problematic. Consequently, the Committee feels that judges should not be called upon to approve these agreements, and the section should be repealed.

Proposal

AN ACT

Section five hundred sixteen of the family court act, in relation to agreement or compromise of support in paternity proceedings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five hundred sixteen of the family court act is REPEALED.

2. This act shall take effect immediately.

4. Grant of Authority to Court to Order Person to Initiate Proceeding to Terminate Parental Rights (SSL §384-b)

One of the major gaps in the statutory sequence leading to sound permanency planning for children in foster care exists at the point where a judge, using the authority given by sections 392 of the Social Services Law (foster care review proceedings) or 1055 of the Family Court Act (child protective proceedings), orders the agency responsible for foster care planning for the child to institute a proceeding to terminate parental rights and the agency fails to do so at all or in a timely fashion. This has been documented by successive studies of deficiencies in the permanency planning system.

Efforts by Family Court judges to use the contempt power under FCA §156 to enforce such a direction have been complicated by appellate decisions holding that the contempt power does not lie where alternate remedies are available, citing the statutory provision allowing a foster parent to institute the proceeding after 90 days have elapsed as such an alternate remedy (SSL §392 (7)). *Matter of Murray*, 98 A.D. 2d 93 (1st Dept., 1983); *Matter of Wilson* 98 A.D. 2d 666 (1st Dept., 1983). However, the inadequacy of this remedy as a practical alternative has left the judges dissatisfied, and even the Appellate Division, in *Matter of Murray, supra,* remarked upon its shortcomings and its impact on the child (in that case a 17-month delay), stating [at page 97]:

> "In finding that a violation of these orders is not subject to the sanction of contempt because of the availability of another remedy, we are not unmindful of the, at times, inadequacy of the statutory remedy in situations such as this, where failure to commence termination proceedings delayed the adoption process by at least 17 months. These shortcomings are, however, a matter for legislative amelioration."

Judge Holt Meyer, in *Matter of Ida Luz M.*, 131 Misc. 2d 1053, (Fam. Ct., Richmond Co., 1986), notes with persuasive detail the impact of the unwieldiness of the contempt power and its minimal impact on the presently intractable foster care system:

> "Meanwhile the child continues to linger in limbo, lacking permanence, with possible adoption delayed and possibly, foreclosed. For many children in foster care, months of delay turn into years, and childhood is lost forever leaving emotional handicaps."

The Committee, therefore, recommends an amendment to section 384-b of the Social Services Law to allow the court to order a person, other than the authorized agency or foster parent, to initiate a proceeding to terminate parental rights where the agency fails or delays inordinately to do so within a prescribed time period. With this additional enforcement option, the court will be able more effectively to propel the process forward to its desired and necessary result and avoid the delays that are inimical to the welfare of the affected child.

Proposal

AN ACT

To amend the social services law, in relation to commitment of guardianship and custody of children

The People of the State of New York, represented in Senate and Assembly do enact as follows:

1. Subdivision (3), paragraph (b) of section 384-b of the social services law is amended to read as follows:

> 3.(b) A proceeding under this section may be originated by an authorized agency or by a foster parent authorized to do so puruant to section three

hundred ninety-two of this chapter or to section one thousand fifty-five of the family court act [.] *or if an authorized agency ordered by the court to originate a proceeding under this section fails to do so within the time fixed by the court, by a person on the court's direction.*

Section 2. This act shall take effect immediately.

5. Clarification of Procedures for the Filing and Review of Objections to a Hearing Examiner's Order in Support Proceedings.
(FCA §439)

Under section §439 of the Family Court, as amended by Chapter 892 of the Laws of 1986, a party objecting to an order of support made by a hearing examiner has 30 days from the entry of the order to file specific written objections with a judge, upon notice to the opposing party. Thereupon, the opposing party has 8 days to serve and file a written rebuttal. The judge in turn, must rule upon the matter within 15 days after the filing of the rebuttal or the time to file such rebuttal has expired by (1) remanding one or more issues of fact to the hearing examiner, (2) making his or her own findings of fact and order, with or without a new hearing, or (3) denying the objections.

While the 1986 amendments improved upon this section by making process clearer and more explicit than it was, it is the Committee's view that further clairification is still required bearing on the respective obligations of the parties in the objections process and the time periods within which these actions must be performed. It is still unclear whether the time elapsing before a party actually receives a copy of the order, objections or rebuttal has been taken into account. Since the process has several specific time perscriptions, the Committee recommends that, in the interest of fairness and clarity, the section spell out the process with greater precision.

For that reason, this measure explicitly indicates that: (1) either party may file objetions, (2) the 30-day period of limitation for the filing of objections starts from the date of service of a copy of the order upon the parties, not the date of entry of the order, (3) the party filing objections must serve a copy of the objections upon the opposing party and file the objections with proof of service, (4) the party served with objections has 13 days from the date of service to file a written rebuttal , and (5) the judge must dispose of the objections within 15 days from the date a rebuttal is filed or the period to so file has expired.

While these amendments are technical in nature, they are especially important, since the mandated use of hearing examiners and the time periods indicated for the processing of support cases are governed by strict state and federal federal requirements for expedited procedures. The court and the parties are, therefore, under more than the customary pressure for the disposition of contested proceedings in a manner consistent with the interests of justice.

Proposal

AN ACT

To amend the family court act, in relation to support proceeding

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1. Subdivision (e) of section 439 of the family court act is amended to read as follows:

(e) The determination of a hearing examiner shall include findings of fact and a final order which shall be entered [and transmitted to the parties]. Specific written objections to such order may be submitted *by either party* to [a judge] *the court* within thirty days after [entry of the order] *service upon the parties of a copy of the order. A party filing objections shall serve a copy of such objections upon* [upon notice to] the opposing party, who shall have [eight] *thirteen* days *from the date of service of said objections* to serve and file a written rebuttal to such objections. *Proof of service thereof shall be filed with the court at the time of filing of objections and any rebuttal.* Within fifteen days after the rebuttal is filed, or the time to file such rebuttal has expired, whichever is applicable, the [court] *judge,* based upon [its] *a* review of the objections and the rebuttal, if any, shall (i) remand one or more issues of fact to the hearing examiner, (ii) make with or without holding a new hearing, his or her own findings of fact and order, or (iii) deny the objections. Pending review of the objections and the rebuttal, if any, the order of the hearing examiner shall be in full force and effect and no stay of such order shall be granted. In the event a new order is issued, payments made by the respondent in excess of the new order shall be applied as a credit to future support obligations. The final order of a hearing examiner, after objections and the rebuttal, if any, have been reviewed by a judge, may be appealed pursuant to article eleven of this act.

Section 2. This act shall take effect immediately.

IV. Pending and Future Matters

The Committee is in the process of considering or completing several projects with a view towards recommending legislation, rules or forms as it deems appropriate and desirable. In that connection, the Committee as a whole, or several subcommittees, are engaged in certain activities, with the following results at this time:

1. The Subcommittees on Hearing Examiner Procedure

As noted earlier in this Report, this subcommittee drafted, and the full Committee approved, a bill to amend section 439 of the Family Court Act as it pertains to the procedure for the filing and disposition of objections to a hearing examiner's order. The Subcommittee, after completing a review of the portion of the Uniform Rules for the New York State Trial Courts that governs the hearing examiner procedure (22 NYCRR 205.32 — 205.37 inclusive), also has prepared amendments to those rules, which have been reviewed and approved by the full Committee and which will be presented to the Chief Administrator for his consideration.

The Subcommittee also drafted, and the full Committee approved, a proposed form to be distributed to litigants in support proceedings in implementation of the provision in the proposed rule for the transmittal to *pro se* litigants of "information about the objections process." At the time when the rules are amended, it is recommended that

the Chief Administrator prescribe the proposed information sheet as an official form for distribution in accordance with the pertinent rule.

2. Subcommittee to Recommend Methods to Reduce Trauma for Child Witnesses

The Family Court Advisory and Rules Committee was requested to draft and submit to the Chief Administrator recommendations which, if implemented, would reduce the trauma child witnesses suffer when called upon to testify in various proceedings. A subcommittee was appointed to recommend methods to reduce trauma for child witnesses, and it has undertaken to review the matter with specific reference to: (1) the types of proceedings in which children most often appear as witnesses; (2) the extent to which age is a factor to be considered; (3) the problems which have actually been encountered; and (4) the drafting of recommendations.

3. Subcommittee on Speedy Trial Issues in Juvenile Proceedings

The Committee was requested by the Court of Appeals to study what appears to be a gap in the speedy trial entitlement enunciated in section 310.2 of the Family Court Act, as it pertains to a proceeding commenced as a juvenile offender proceeding in adult criminal court and removed to Family Court pursuant to article 725 of the Criminal Procedure Law. The particular issue arose in *Matter* of *David G.*, 120 A.D. 2d 997 (1st Dept.), *leave to appeal den.*, 68 N.Y. 2d 608 (1986) where a period of eight months elapsed between the issuance of the order of removal in Supreme Court and the time the proceeding was commenced in Family Court.

After a preliminary discussion by the full Committee, it was the Committee's position that legislation amending section 310.2, and paralleling the provisions of CPL §30.30, might be a sound approach. A subcommittee on speedy trial issues in juvenile proceedings was appointed to draft such legislation, taking into account any provisions required to reflect the special nature of the transfer and of the proceedings in Family Court.

4. Subcommitte to Draft Procedural Amendments for Inclusion in Article 1 of the Family Court Act.

The Family Court Act is so drawn that each article and the proceeding it covers contains provisions governing procedure in that proceeding. Section 165 of the Act provides that, where the method of procedure is not so prescribed, the provisions of the CPLR shall apply "to the extent that they are appropriate to the proceedings involved."

It has become increasingly apparent that this latter provision is too vague to be effective, and it is the view of the Committee that it would be useful to bench and bar to draft legislation to add to Article 1 of the Family Court Act provisions covering procedural requirements in Family Court. Doing so would clarify certain procedural requirements in Family Court proceedings, such as service of papers, affidavits of service, time periods etc. A subcommittee has been established to study this matter and prepare a draft for Committee consideration.

5. Additional Matters

An additional proposal, still in the preliminary stages of discussion by the Committee, is one to draft legislation repealing the present statutory requirement contained in section 117 of the Family Court Act for separate child abuse parts and, in New York City, for separate designated felony parts. These requirements appear to result in substantial administrative hardship and waste and, especially in view of the Individual Assignment System policy, are counterproductive.

The Committee also has taken an active role in the final completion of revised adoption forms. After consultation with representatives from the Surrogate's Court, a single set of forms for use in both Family and Surrogate's Courts shortly will be submitted to the Chief Administrator for official promulgation. These will include forms for parental consent in private-placement adoptions executed before a judge or otherwise.

The following subcommittees of the Family Court Advisory and Rules Committee are operational:

Subcommittee on Forms
Chair, Hon. Gene L. Catena

Subcommittee on Hearing Examiner Procedures
Chair, Hon. Mary Ann Killeen
(Acting-Chair, Hon. Mara T. Thorpe)

Subcommittee to Recommend Methods to Reduce Trauma for Child Witnesses
Chair, Hon. Anthony V. Cardona

Subcommittee on Speedy Trial Issues in Juvenile Proceedings
Chair, Hon. Michael Gage

Subcommittee to Draft Procedural Amendments
Chair, Nicholas P. Capra, Esq.

Respectfully submitted,

Professor Kevin C. Fogarty, *Chair*
Hon. Arthur J. Abrams
Frank Boccio, Esq.
Nicholas P. Capra, Esq.
(ex officio)
Hon. Anthony V. Cardona
Hon. Gene L. Catena
Hon. Patricia D. Collins
Ms. Kate Dalton
Hon. Nanette Dembitz
Hon. Marjory D. Fields
Peter J. Fiorella, Jr., Esq.
Hon. Michael Gage
Hon. William L. Kellick, Jr.
Hon. Mary Ann Killeen
Hon. Leonard E. Maas
Hon. Kathryn Austin McDonald
Shirley Mitgang, Esq.
(ex officio)
Hon. Anthony K. Pomilio
Hon. Cesar H. Quinones
Hon. Adrienne Hofmann Scancarelli
Hon. Mara T. Thorpe
Hon. Jack Turret

Shirley Mitgang, Esq.
Counsel

December, 1986

NOTE: The Family Court Advisory And Rules Committee recognizes with appreciation the contributions to the contents of this Report made by past members of the Committee whose terms of service to the Committee expired before the Report was completed: Hon. Edward J. McLaughlin, Hon. Richard M. Palmer, Hon. Aileen Haas Schwartz and Hon. Robert H. Wagner.

Appendix 1

Other Programs

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Retainer and Closing Statements

Under 22 NYCRR Parts 603, 551 and 1022, every attorney in a contingent fee in the First, Second and Fourth Judicial Departments* must file a Statement of Retainer with the Office of Court Administration in cases involving personal injury, property damage, wrongful death, or change of grade. This statement must be filed within 30 days of the date the lawyer is retained (15 days in the case of "of counsel" lawyers). It sets forth the date of the agreement, the terms of compensation, the agreement as to work and fee division between the original lawyer and the "of counsel" lawyer, and data about the person referring the client to the lawyer.

In addition, every such lawyer must file a closing statement with the Office of Court Administration within 15 days of the date the monies became available to him. This statement settlement or award (if any). If an action was commenced, it contains the date, court and county of commencement and the method of the recovery, the person paving the recovery, the distribution of the recovery to the client and the lawyer's fees and other disbursements.

The purpose of these statements is to provide information for use by the three Appellate Divisions to prevent the charging of unconscionable fees in contingent fee cases and to discourage the unlawful solicitation of cases.

Table A-1 shows that 110,986 retainer statements were filed with the Office of Court Administration in 1986. This is an increase of about 7% from the previous year.

Table A-2 gives the court in which actions were terminated and the monetary breakdown by settlement or judgment. For cases commenced in the Supreme Court, the largest single group of cases terminated involved recoveries between $10,000 and $15,000. The largest single group of cases terminated in the lower courts involved recoveries between $1,000 and $4,000. The great majority of claims settled resulted in at least some monetary recovery. Although there were some very large recoveries, they were proportionately few; there were 3906 recoveries in the $50,000 to $100,000 category and 3182 recoveries over $100,000.

Statements of Approval of Compensation

Section 35-a of the Judiciary Law, as originally enacted by the Legislature in 1967, required the filing of a Statement of Appointment by each person appointed by the courts to perform services in actions and proceedings for a fee or an allowance. The statute called for these statements to be filed with the Judicial Conference within 30 days of an appointment. The required information included the name and the address of the appointee, the nature of the appointment, the title of litigation, and the name of the court and the judge or justice making the appointment.

In addition, within 30 days of receiving a fee, the appointee was required to execute a Statement of Services Rendered with other pertinent data related to the fee received. Under the statute, all statements filed were to be kept as matters of public record. The law also required that an annual summary of the information in the statement be furnished to the four Appellate Divisions of the Supreme Court for use in supervising court appointments in their Judicial Departments.

An extensive study of this system of two reports for each appointment revealed a number of inefficiencies. Not the least of these was the failure of many appointees to file a Statement of Services Rendered after payment of the fee. to deal with this problem, the Office of Court Administration sponsored legislation amending Section 35-a which was enacted as Chapter 834, Laws of 1975, and which went into effect with appointments made after September 1, 1975.

Under the amended law, judges who approve fees are responsible for filing a single comprehensive statement, entitled Statement of Approval of Compensation for appointments which the fee is more than $200. The judges are required to send the statements to the Office of Court Administration each week for data processing and filing. Fees of $200 or less are not required to be reported.

In 1986 a total of 4,635 Statements of Approval of Compensation were filed with the Office of Court Administration. The system accomplished its intended purpose of obtaining timely reports on court appointments without loss of required data provided by the older system.

Appointment of Fiduciaries

Part 36 of the Rules of the Chief Judge were promulgated effective April 1, 1986 (22NYCRR Part 36). These rules require that all appointments of guardians, guardians ad litem, conservators, committees of the incompetent or patient receivers and persons designated to perform services for receivers be made by the appointing judge from a list of applicants established by the Chief Administrator of the Courts unless the Court finds there is good reason to appoint someone who is not on the list and places a statement to that effect in the file.

—No person related to a judge of the Unified Court System of the State of New York shall be eligible for an appointment.

—No person or institution shall be eligible to receive more than one appointment within a 12-month period for which the compensation anticipated to be awarded to the appointee exceeds the sum of $5,000 unless exceptional circumstances exist.

—Every person or institution receiving an appointment pursuant to this section must file a Statement of Appointment with the Chief Administrator of the Courts by the first business day of the week following the appointment.

—The Chief Administrator shall arrange for the periodic publication of the names of all persons and institutions appointed by judges.

As of December 31, 1986 there were 8938 individuals and 116 institutions on the list of available appointees compiled by the Chief Administrator of the Courts. Table A-3 lists the number of applications by county. The number of statements of appointments filed with the Chief Administrator of the Courts for the period April 1, 1986 through December 31, 1986 is 3197. Table A-4 shows the breakdown of appointments by county.

* At present, there is no filing rule for the Third Judicial Department.

Attorney Registration

Section 468-a of the Judiciary Law and the Rules of the Chief Administrator (22 Part 118) requires every attorney admitted to practice in New York State on or before January1, 1982, whether resident or non-resident, and whether or not in good standing to file a registration statement with the Chief Administrator of the Courts. It further requires that every attorney admitted to practice in New York State after January 1, 1986 shall file a registration statement prior to taking the constitutional oath of office. The biennial registration fee is $100 except for judges and those persons who are retired from practice. The Rules of the Chief Administrator, (22 NYCRR 118 (g)) were amended to expand the definition of retired from the practice of law to provide that "retired from the practice of law when he or she does not practice law in any respect and does not intend ever to engage in acts that constitute the practice of law for purposes of Section 468-a of the Judiciary Law, a full-time judge or justice of the Unified Court system of the State of New York, or of a court of any other state or of a Federal Court, shall be deemed "retired" from the practice of law."

Every attorney is required to reregister during each alternate year thereafter, within 30 days after the attorney's birthday, for as long as the attorney remains duly admitted to the New York Bar. The law also requires that an attorney notify the Office of Court Administration within 30 days of any change in business or residence address as well as registration status.

As of the end of calendar year 1986, approximately 105,000 attorneys were registered with the Office of Court Administration. During calendar year 1986, approximately 80,000 attorneys registered or reregistered and $7,218,980 in registration fees were recorded. Half of these fees are paid over to the Client Security Fund as prescribed by the Judiciary Law.

Table A-5 shows the breakdown of attorneys by county and department of business. Table A-6 gives the breakdown of attorneys by year of birth as furnished in the registration statement.

Adoption Affidavits

According to the Rules of the respective Appellate Divisions 22 NYCRR Parts 603.23 (1st Dept.), 691-23 (2nd Dept.) 806.14 (3rd Dept.) and 1022.33 (4th Dept.) all attorneys must file an affidavit as a condition to proceed with an adoption. The objective of this filing is to maintain a record of attorneys and agencies involved in adoptions and to record the fees, if any, charged for their services.

Once the attorney has been contacted to represent a client in an adoption proceeding, the attorney prepares a petition requesting an adoption. When the petition is filed, a docket number is issued by the court. The attorney's affidavit is completed in duplicate by the attorney who files one copy with the Office of Court Administration. During 1986, 5693 adoption affidavits were filed with the Office of Court Administration.

Table A-1
RETAINER STATEMENT FILINGS BY MONTH
January 1, 1986 through December 31, 1986

Month	Number of Statements of Retainer Filed
January	8,963
February	6,642
March	8,945
April	10,024
May	10,430
June	7,174
July	12,643
August	10,328
September	9,142
October	8,857
November	8,778
December	9,060
Total	110,986

Table A-2
COURT AND MONETARY BREAKDOWN OF CLOSING STATEMENTS
January 1, 1986 through December 31, 1986

Amount of Recovery	Supreme Court		U.S. District Court		Court of Claims†		County Court	
	Settled	Judgment	Settled	Judgment	Settled	Judgment	Settled	Judgment
1-499	167	9	11	1	2	2	1	...
500-999	194	1	1	1	...	...	...	...
1,000-1,999	822	6	19	...	3	...	1	...
2,000-2,999	1,453	14	17	...	3	...	1	1
3,000-3,999	1,973	9	17	1	5	...	...	...
4,000-4,999	1,856	7	18	...	4	...	4	...
5,000-5,999	2,582	12	26	1	2	...	4	...
6,000-6,999	2,179	13	29	...	6	...	3	...
7,000-7,999	3,165	11	21	...	12	2	1	...
8,000-8,999	1,762	7	21	...	3	...	1	...
9,000-9,999	2,085	8	12	...	2	...	1	...
10,000-14,999	7,057	60	77	3	17	2	5	1
15,000-19,999	4,143	29	74	3	16	1	...	...
20,000-24,999	2,611	17	48	1	8	3	...	...
25,000-29,999	2,005	22	52	3	9	1	...	...
30,000-34,999	1,342	13	30	2	1	1	...	...
35,000-49,999	2,638	37	75	2	7	1	...	...
50,000-99,999	3,699	49	131	5	15	4	...	...
100,000-up	2,863	70	202	11	12	12	...	...
Total with Recovery	44,596	402	881	34	127	29	22	
No Recovery	1,123		42		25		2	

Amount of Recover	Civil Court		City Courts		District Court		Justice Court		All Courts		No Action**
	Settled	Judgment	Settled	Judgment	Settled	Judgment	Settled	Judgment	Settled	Judgment	Settled
1-499	26	1	...	...	3	...	...	1	210	14	106
500-999	81	1	6	1	2	...	1	1	285	5	305
1,000-1,999	268	4	5	...	14	2	...	...	1,132	12	995
2,000-2,999	304	2	4	...	6	2	...	...	1,788	19	1,205
3,000-3,999	304	7	5	...	11	...	...	...	2,315	17	1,393
4,000-4,999	217	3	2	...	1	...	...	...	2,102	10	1,197
5,000-5,999	189	1	...	...	4	...	...	...	2,807	14	1,273
6,000-6,999	130	3	...	...	3	...	...	...	2,350	16	1,061
7,000-7,999	156-	2	1	...	3	...	...	...	3,359	15	1,323
8,000-8,999	64	1	...	...	...	...	...	...	1,851	8	758
9,000-9,999	49	1	...	...	...	...	...	...	2,149	9	920
10,000-14,999	127	3	...	...	...	...	...	...	7,283	69	2,803
15,000-19,999	42	1	...	...	...	...	...	...	4,275	34	845
20,000-24,999	15	1	...	...	...	...	...	...	2,682	22	468
25,000-29,999	10	1	...	...	...	...	...	...	2,076	27	308
30,000-34,999	8	...	...	...	...	...	...	...	1,381	16	168
35,000-49,999	12	...	...	...	...	...	...	...	2,732	40	325
50,000-99,999	2	1	...	...	...	...	...	...	3,847	59	390
100,000-up	4	...	...	...	...	...	...	...	3,081	101	164
Total with Recovery	2,008	33	23	1	47	4	1	2	47,705	507	16,007
No Recovery	130		1		3				1,326		5,075

NOTE: Whenever individual closing statements were filed by attorneys acting jointly in a case, each statement received was included in these tabulations. Thus, the number of statements somewhat exceeds the total number of cases closed.

* Includes condemnation as well as tort matters.

** Item 3 of the closing statement requires that the court and date be indicated if an action was commenced. This category includes those statements in which this item is left blank.

Table A-3
APPOINTMENT OF FIDUCIARIES
Applications by County
April 1, 1986 through December 31, 986

Location	Individuals	Institutions	Total	Location	Individuals	Institutions	Total
Albany	96	2	98	Niagara	365	1	366
Allegany	71	2	73	Oneida	72	2	74
Bronx	481	5	486	Onondaga	102	1	103
Broome	144	2	146	Ontario	172	2	174
Cattaraugus	142	1	143	Orange	91	1	92
Cayuga	42	1	43	Orleans	97	1	98
Chautauqua	164	1	165	Oswego	39	1	40
Chemung	42	1	43	Otsego	32	2	34
Chenango	58	2	60	Putnam	130	2	132
Clinton	15	1	16	Queens	660	5	665
Columbia	31	1	32	Rensselaer	58	2	60
Cortland	37	2	39	Richmond	230	4	234
Delaware	34	2	36	Rockland	174	2	176
Dutchess	139	1	140	St. Lawrence	17	1	18
Erie	537	2	539	Saratoga	129	2	131
Essex	28	1	29	Schenectady	92	2	94
Franklin	16	1	17	Schoharie	15	2	17
Fulton	27	1	28	Schuyler	21	1	22
Genesee	138	1	139	Seneca	35	2	37
Greene	24	3	27	Steuben	69	3	72
Hamilton	16	1	17	Suffolk	330	3	333
Herkimer	32	1	33	Sullivan	37	1	38
Jefferson	15	1	16	Tioga	60	2	62
Kings	686	5	691	Tompkins	34	1	35
Lewis	8	1	9	Ulster	94	1	95
Livingston	113	3	116	Warren	49	1	50
Madison	70	2	72	Washington	40	1	41
Monroe	355	3	358	Wayne	123	2	125
Montgomery	40	2	42	Westchester	463	2	465
Nassau	535	3	538	Wyoming	100	1	101
New York	836	5	841	Yates	36	2	38
Total of N.Y. State					8,938	116	9,054

Table A-4
APPOINTMENT OF FIDUCIARIES
Appointments Reported By County
April 1, 1986 through December 31, 1986

Location	Total	Location	Total
Albany	73	Oneida	60
Allegany	2	Onondaga	78
Bronx	135	Ontario	...
Broome	36	Orange	55
Cattaraugus	20	Orleans	8
Cayuga	...	Oswego	6
Chautauqua	30	Otsego	7
Chemung	17	Putnam	10
Chenango	4	Queens	424
Clinton	9	Rensselaer	33
Columbia	...	Richmond	26
Cortland	5	Rockland	31
Delaware	4	St. Lawrence	34
Dutchess	48	Saratoga	15
Erie	266	Schenectady	28
Essex	5	Schoharie	6
Franklin	6	Schuyler	1
Fulton	6	Seneca	5
Genesee	20	Steuben	11
Greene	...	Suffolk	237
Hamilton	...	Sullivan	7
Herkimer	...	Tioga	...
Jefferson	35	Tompkins	9
Kings	265	Ulster	40
Lewis	3	Warren	5
Livingston	...	Washington	1
Madison	12	Wayne	13
Monroe	279	Westchester	183
Montgomery	1	Wyoming	...
Nassau	322	Yates	4
New York	219		
Niagara	38		
		Total	3,197

Table A-5
ATTORNEY REGISTRATION
By Location

Location	Total	Location	Total
Albany	2,468	Otsego	85
Allegany	47	Putnam	145
Bronx	1,394	Queens	3,038
Broome	490	Rensselaer	246
Cattaraugus	91	Richmond	575
Cayuga	87	Rockland	722
Chautauqua	191	St. Lawrence	90
Chemung	145	Saratoga	208
Chenango	58	Schenectady	337
Clinton	81	Schoharie	32
Columbia	98	Schuyler	17
Cortland	46	Seneca	36
Delaware	62	Steuben	115
Dutchess	526	Suffolk	2,744
Erie	2,826	Sullivan	163
Essex	109	Tioga	37
Franklin	65	Tompkins	188
Fulton	70	Ulster	246
Genesee	70	Warren	146
Greene	49	Washington	65
Hamilton	2	Wayne	87
Herkimer	75	Westchester	4,206
Jefferson	117	Wyoming	30
Kings	4,197	Yates	20
Lewis	17	Outside New York	
Livingston	56	State	17,756
Madison	79	Missing County	2,752
Monroe	2,226		
Montgomery	75	Total	105,143
Nassau	7,097		
New York	45,125	First Department	46,519
Niagara	303	Second Department	23,771
Oneida	433	Third Department	5,757
Onondaga	1,548	Fourth Department	8,588
Ontario	103	Outside New York	
Orange	521	State	17,756
Orleans	29	Missing County	2,752
Oswego	81		
		Total	105,143

Table A-6
ATTORNEY REGISTRATION
By Date of Birth

Date of Birth	Total
After 1962	18
1958-1962	9,317
1953-1957	19,033
1948-1952	18,585
1943-1947	14,836
1938-1942	9,185
1933-1937	6,688
1928-1932	7,338
1923-1927	5,568
1918-1922	3,988
Before 1918	10,124
Missing Dates	463
Total	105,143

APPENDIX 2

Family Court Data

Under FCA, Sec. 213 and 385

Table A-7
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Days From Filing Petition To Completion Of Fact-Finding Hearing
1986

Region	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	9,861	449	212	224	322	3,040	2,261	912	110	9	2,322
Total New York City	5,831	147	81	85	172	2,022	1,717	596	34	1	976
New York	1,482	33	29	40	35	584	463	117	1	1	179
Kings	1,776	31	11	13	48	565	592	296	24	...	196
Queens	1,076	28	9	14	27	357	280	64	8	...	289
Bronx	1,372	46	31	16	55	465	365	115	1	...	278
Richmond	125	9	1	2	7	51	17	4	...	...	34
Total Upstate	4,030	302	131	139	150	1,018	544	316	76	8	1,346
Albany	201	4	...	1	1	19	1	4	...	...	171
Allegany	4	...	...	1	...	1	1	...	1	...	...
Broome	140	37	29	22	5	22	11	3	...	...	11
Cattaraugus	49	1	...	1	3	9	4	5	3	...	23
Cayuga	1	...	...	...	...	1	...	...	...	...	...
Chautauqua	62	6	1	4	6	17	16	2	...	1	9
Chemung	80	12	3	6	7	8	16	12	...	...	16
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	37	2	...	...	1	23	1	3	...	...	7
Columbia	12	...	...	...	3	4	...	...	...	...	5
Cortland	30	2	1	...	...	10	12	1	...	...	4
Delaware	31	2	4	...	...	12	11	2	...	...	...
Dutchess	2	...	...	1	...	1	...	...	...	...	...
Erie	563	97	26	23	21	162	58	34	13	...	129
Essex	18	...	...	...	...	...	8	1	...	...	9
Franklin	39	13	...	2	3	6	1	...	...	...	14
Fulton	34	7	1	...	3	1	7	3	...	...	12
Genesee	42	2	1	...	1	14	8	...	...	...	16
Greene	4	...	...	...	...	...	1	1	1	...	1
Hamilton	1	...	...	...	...	...	...	...	...	...	1
Herkimer	25	...	...	...	...	6	5	7	...	...	7
Jefferson	46	6	3	1	1	16	12	...	1	...	6
Lewis	9	...	...	...	...	5	1	...	...	...	3
Livingston	12	...	2	1	6	2	...	1	...	...	...
Madison	47	...	...	3	1	15	6	3	...	...	19
Monroe	530	9	...	14	9	181	68	45	8	1	195
Montgomery	4	...	1	...	1	...	1	...	...	...	1
Nassau	443	25	2	2	14	105	83	58	18	4	132
Niagara	38	...	1	1	...	13	1	4	4	...	14
Oneida	174	...	4	...	5	75	23	15	...	...	52
Onondaga	294	2	6	5	26	65	54	30	9	...	97
Ontario	94	14	11	19	5	24	6	7	4	...	4
Orange	40	6	1	3	7	15	4	1	...	1	2
Orleans	24	2	9	...	1	8	3	...	...	...	1
Oswego	23	...	...	...	1	12	3	...	...	...	7
Otsego	41	...	3	2	...	22	10	...	...	...	4
Putnam	23	...	...	...	...	2	...	4	...	...	17
Rensselaer	53	...	...	...	...	7	10	...	...	...	36
Rockland	147	8	3	4	1	39	11	14	1	...	66
St. Lawrence	19	7	...	5	...	3	...	3	...	...	1
Saratoga	117	5	4	13	5	11	12	21	...	...	46
Schenectady	2	...	...	...	1	...	...	1	...	...	...
Schoharie	36	4	5	...	...	11	2	...	...	...	14
Schuyler	9	...	...	...	...	...	...	...	...	...	9
Seneca	14	4	...	...	...	3	3	...	2	...	2
Steuben	14	...	...	...	1	1	3	...	...	...	9
Suffolk	25	...	...	...	...	6	1	...	...	...	18
Sullivan	35	...	1	...	1	2	3	5	...	...	23
Tioga	33	5	3	1	2	15	1	...	...	...	6
Tompkins	33	...	1	...	3	9	3	...	...	...	17
Ulster	49	...	...	2	...	6	4	4	...	...	33
Warren	26	...	...	...	...	3	9	6	...	...	8
Washington	23	2	...	1	5	9	...	...	...	...	6
Wayne	47	4	...	...	...	3	13	3	6	...	18
Westchester	117	12	5	1	...	10	30	13	5	1	40
Wyoming	8	2	...	...	...	3	3	...	...	...	...
Yates	6	...	...	...	...	1	...	...	...	...	5

*Disposed before fact-finding

Table A-8
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Days From Filing Petition To Completion Of Fact-Finding Hearing
1986

Region	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not applicable*
Total New York State	2,420	134	52	57	108	727	537	268	41	5	491
Total New York City	1,180	35	13	20	60	387	323	127	11	1	203
New York	143	1	2	1	5	55	49	19	...	1	10
Kings	511	9	10	10	27	168	139	73	9	...	66
Queens	219	8	...	7	7	55	53	26	2	...	61
Bronx	275	15	1	2	18	102	69	7	...	...	61
Richmond	32	2	...	...	3	7	13	2	...	...	5
Total Upstate	1,240	99	39	37	48	340	214	141	30	4	288
Albany	68	2	...	1	1	10	1	4	...	...	49
Allegany	2	...	...	1	...	1	...	...	...	...	...
Broome	43	16	12	6	3	3	3	...	...	...	...
Cattaraugus	12	...	...	...	2	1	...	2	1	...	6
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	25	6	1	1	1	6	6	1	...	...	3
Chemung	36	4	...	2	5	4	6	7	...	...	8
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	17	...	...	...	...	14	1	2	...	...	...
Columbia	5	...	...	...	1	...	...	...	...	...	4
Cortland	4	...	...	...	...	3	...	...	...	...	1
Delaware	20	...	2	...	...	8	10	...	...	...	...
Dutchess	1	...	...	...	...	1	...	...	...	...	...
Erie	189	35	2	2	1	65	30	13	8	...	33
Essex	7	...	...	...	...	...	6	1	...	...	...
Franklin	8	2	...	...	3	...	...	...	...	...	3
Fulton	11	4	...	...	...	...	4	1	...	...	2
Genesee	20	...	1	...	1	11	4	...	...	...	3
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	1	...	...	...	...	...	...	...	...	...	1
Herkimer	14	...	...	...	...	2	5	5	...	...	2
Jefferson	15	3	...	1	1	5	4	...	...	...	1
Lewis	2	...	...	...	...	1	1	...	...	...	...
Livingston	3	...	1	...	1	1	...	...	...	...	...
Madison	10	...	...	1	...	5	...	...	...	...	4
Monroe	199	2	...	6	1	80	31	33	7	...	39
Montgomery	1	...	1	...	...	...	...	...	...	...	...
Nassau	108	7	2	...	7	26	24	20	...	4	18
Niagara	8	...	...	1	...	2	...	1	3	...	1
Oneida	38	...	1	...	...	16	13	5	...	...	3
Onondaga	115	...	3	1	13	27	19	23	6	...	23
Ontario	32	6	9	6	3	2	4	1	...	...	1
Orange	5	2	...	1	1	...	1	...	...	...	...
Orleans	5	2	...	...	1	1	...	...	...	...	1
Oswego	7	...	...	...	1	1	3	...	...	...	2
Otsego	12	...	...	2	...	9	...	...	...	...	1
Putman	4	...	...	...	...	...	...	3	...	...	1
Rensselaer	30	...	...	...	...	7	7	...	...	...	16
Rockland	27	1	...	2	...	7	4	4	1	...	8
St. Lawrence	2	1	...	...	...	...	...	...	...	...	1
Saratoga	12	1	...	...	1	...	1	6	...	...	3
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	4	1	...	...	...	2	...	...	...	...	1
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	5	1	...	...	...	2	...	...	2	...	...
Steuben	3	...	...	...	...	1	...	...	...	...	2
Suffolk	4	...	...	...	...	...	1	...	...	...	3
Sullivan	9	...	1	...	...	2	1	...	...	...	5
Tioga	10	...	2	1	...	4	...	...	...	...	3
Tompkins	6	...	1	...	...	2	...	...	...	...	3
Ulster	21	...	...	2	...	4	3	1	...	...	11
Warren	8	...	...	...	...	...	4	...	...	...	4
Washington	2	...	...	...	...	1	...	...	...	...	1
Wayne	27	2	...	...	...	...	11	3	...	...	11
Westchester	12	...	...	...	...	...	4	5	2	...	1
Wyoming	6	1	...	...	...	3	2	...	...	...	...
Yates	5	...	...	...	...	...	...	...	...	...	5

*Disposed before fact-finding

Table A-9
FAMILY COURT
Original Dispositions Of Child Protective Petitions:
Days From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1986

Region	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	9,861	2,709	51	93	137	2,866	1,198	409	72	4	2,322
Total New York City	5,831	1,405	17	20	46	2,286	888	180	12	1	976
New York	1,482	217	5	4	20	775	244	36	1	1	179
Kings	1,776	559	4	3	8	637	272	88	9	...	196
Queens	1,076	316	3	4	12	320	121	11	...	...	289
Bronx	1,372	284	5	9	6	502	241	45	2	...	278
Richmond	125	29	...	...	...	52	10	...	...	...	34
Total Upstate	4,030	1,304	34	73	91	580	310	229	60	3	1,346
Albany	201	19	...	...	2	8	1	...	...	...	171
Allegany	4	4	...	...	...	...	...	...	...	...	...
Broome	140	21	5	11	16	53	17	6	...	...	11
Cattaraugus	49	12	1	...	3	3	2	2	3	...	23
Cayuga	1	...	...	...	...	...	1	...	...	...	...
Chautauqua	62	17	...	...	6	17	4	9	...	...	9
Chemung	80	17	11	14	2	15	5	...	...	...	16
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	37	29	...	...	...	...	1	...	...	...	7
Columbia	12	7	...	...	...	...	...	...	...	...	5
Cortland	30	17	...	...	...	5	2	2	...	...	4
Delaware	31	22	...	4	...	...	5	...	...	...	...
Dutchess	2	...	...	...	...	1	...	...	1	...	...
Erie	563	339	...	6	12	29	2	25	20	1	129
Essex	18	...	...	...	...	7	...	2	...	...	9
Franklin	39	20	...	...	...	4	1	...	...	...	14
Fulton	34	7	3	1	...	5	...	3	3	...	12
Genesee	42	8	1	7	6	2	...	2	...	...	16
Greene	4	2	...	...	...	...	...	1	...	...	1
Hamilton	1	...	...	...	...	...	...	...	...	...	1
Herkimer	25	18	...	...	...	...	...	...	...	...	7
Jefferson	46	29	1	2	...	1	7	...	...	...	6
Lewis	9	1	3	...	1	1	...	...	...	...	3
Livingston	12	10	...	1	...	...	...	1	...	...	...
Madison	47	7	...	6	2	5	8	...	...	...	19
Monroe	530	235	6	9	3	43	13	19	7	...	195
Montgomery	4	1	...	1	...	...	...	1	...	...	1
Nassau	443	17	...	...	8	117	130	28	10	1	132
Niagara	38	12	...	...	...	8	2	1	1	...	14
Oneida	174	11	...	...	1	89	17	4	...	...	52
Onondaga	294	111	...	...	10	51	15	8	2	...	97
Ontario	94	17	...	3	...	1	6	58	5	...	4
Orange	40	15	...	...	6	16	1	...	...	...	2
Orleans	24	5	2	...	...	12	4	...	...	...	1
Oswego	...	11	...	...	5	...	...	...	...	...	1
Otsego	41	...	...	...	...	20	16	1	...	...	7
Putman	23	2	...	...	...	...	4	...	...	...	17
Rensselaer	53	7	...	4	...	3	3	...	...	...	36
Rockland	147	49	...	...	...	11	7	8	6	...	66
St. Lawrence	19	6	...	...	...	8	...	4	...	...	1
Saratoga	117	32	...	...	...	8	10	20	1	...	46
Schenectady	2	2	...	...	...	...	...	...	...	...	...
Schoharie	36	13	1	...	...	1	...	7	...	...	14
Schuyler	9	...	...	...	...	...	...	...	...	...	9
Seneca	14	2	...	...	3	3	1	3	...	...	2
Steuben	14	5	...	...	...	...	...	...	...	...	9
Suffolk	25	4	...	...	...	1	2	...	...	...	18
Sullivan	35	8	...	...	...	3	1	...	...	...	23
Tioga	33	15	...	...	...	1	7	4	...	...	6
Tompkins	33	6	...	...	...	8	1	1	...	...	17
Ulster	49	6	...	1	...	1	7	1	...	...	33
Warren	26	14	...	...	2	...	...	1	...	1	8
Washington	23	15	...	...	...	...	...	2	...	...	6
Wayne	47	15	...	...	...	2	7	5	...	...	18
Westchester	117	53	...	3	3	17	...	...	1	...	40
Wyoming	8	8	...	...	...	...	...	...	...	...	...
Yates	6	1	...	...	...	...	...	...	...	...	5

*Disposed before fact-finding

Table A-10
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Days From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1986

Region	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	2,420	761	18	39	48	674	263	104	21	1	491
Total New York City	1,180	319	4	5	7	464	151	27	...	...	203
New York	143	22	...	...	...	67	42	2	...	...	10
Kings	511	158	...	1	2	198	61	25	...	...	66
Queens	219	67	...	...	5	69	17	...	...	...	61
Bronx	275	60	4	4	...	118	28	...	...	...	61
Richmond	32	12	...	...	...	12	3	...	...	...	5
Total Upstate	1,240	442	14	34	41	210	112	77	21	1	288
Albany	68	12	...	...	2	4	1	...	...	...	49
Allegany	2	2	...	...	...	...	...	...	...	...	...
Broome	43	1	2	3	9	16	10	2	...	...	...
Cattaraugus	12	2	1	...	1	2	...	...	...	...	6
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	25	6	...	...	...	8	2	6	...	...	3
Chemung	36	8	...	9	2	8	1	...	...	...	8
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	17	17	...	...	...	...	...	...	...	...	...
Columbia	5	1	...	...	...	...	...	...	...	...	4
Cortland	4	1	...	...	...	1	1	...	...	...	1
Delaware	20	15	...	...	...	...	5	...	...	...	...
Dutchess	1	...	...	...	...	...	...	...	1	...	...
Erie	189	115	...	4	9	12	...	8	8	...	33
Essex	7	...	...	...	...	7	...	...	...	...	...
Franklin	8	5	...	...	...	...	...	...	...	...	3
Fulton	11	4	3	...	...	...	...	1	1	...	2
Genesee	20	2	...	6	6	2	...	1	...	...	3
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	1	...	...	...	...	...	...	...	...	...	1
Herkimer	14	12	...	...	...	...	...	...	...	...	2
Jefferson	15	10	1	...	...	1	2	...	...	...	1
Lewis	2	...	...	...	1	1	...	...	...	...	...
Livingston	3	2	...	...	...	...	...	1	...	...	...
Madison	10	3	...	...	...	2	1	...	...	...	4
Monroe	199	105	5	7	3	25	7	7	1	...	39
Montgomery	1	...	...	...	...	...	...	1	...	...	...
Nassau	108	6	...	...	3	30	34	13	3	1	18
Niagara	8	6	...	...	...	1	...	...	...	...	1
Oneida	38	1	...	...	1	28	5	...	...	...	3
Onondaga	115	41	...	...	2	30	11	7	1	...	23
Ontario	32	3	...	...	...	1	3	20	4	...	1
Orange	5	...	...	...	1	3	1	...	...	...	...
Orleans	5	1	2	...	...	1	...	...	...	...	1
Oswego	7	5	...	...	...	...	...	...	...	...	2
Otsego	12	...	...	...	...	8	3	...	...	...	1
Putnam	4	...	...	...	...	...	3	...	...	...	1
Rensselaer	30	7	...	4	...	3	...	...	...	...	16
Rockland	27	10	...	...	...	1	4	3	1	...	8
St. Lawrence	2	1	...	...	...	...	...	...	...	...	1
Saratoga	12	6	...	...	...	...	...	2	1	...	3
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	4	2	...	...	...	1	...	...	...	...	1
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	5	2	...	...	...	3	...	...	...	...	...
Steuben	3	1	...	...	...	...	...	...	...	...	2
Suffolk	4	...	...	...	...	1	...	...	...	...	3
Sullivan	9	1	...	...	...	3	...	...	...	...	5
Tioga	10	...	...	...	...	1	5	1	...	...	3
Tompkins	6	...	...	...	...	2	1	...	...	...	3
Ulster	21	4	...	1	...	...	5	...	...	...	11
Warren	8	4	...	...	...	...	...	...	...	...	4
Washington	2	1	...	...	...	...	...	...	...	...	1
Wayne	27	5	...	...	...	...	7	4	...	...	11
Westchester	12	6	...	...	1	4	...	...	...	...	1
Wyoming	6	6	...	...	...	...	...	...	...	...	...
Yates	5	...	...	...	...	...	...	...	...	...	5

*Disposed before fact-finding

Table A-11
FAMILY COURT
Original Dispositions of Child Protective Petitions: Type Of Petition
1986

Location	Total	Original Abuse Petition	Original Neglect Petition	Pins Petition	Petition Substituted For JO Petition	Petition Substituted For FO Petition	Other Petition
Total New York State	9,861	2,504	7,340	3	3	...	11
Total New York City	5,831	1,248	4,570	...	3	...	10
New York	1,482	182	1,297	...	1	...	2
Kings	1,776	513	1,260	...	1	...	2
Queens	1,076	237	832	...	1	...	6
Bronx	1,372	286	1,086	...	...	...	...
Richmond	125	30	95	...	...	...	...
Total Upstate	4,030	1,256	2,770	3	...	...	1
Albany	201	67	134	...	...	...	...
Allegany	4	2	2	...	...	...	...
Broome	140	43	96	1	...	...	...
Cattaraugus	49	13	36	...	...	...	...
Cayuga	1	...	1	...	...	...	...
Chautauqua	62	26	36	...	...	...	...
Chemung	80	36	44	...	...	...	...
Chenango	...	...	...	...	...	...	...
Clinton	37	18	19	...	...	...	...
Columbia	12	5	7	...	...	...	...
Cortland	30	5	25	...	...	...	...
Delaware	31	20	11	...	...	...	...
Dutchess	2	1	1	...	...	...	...
Erie	563	191	372	...	...	...	...
Essex	18	7	11	...	...	...	...
Franklin	39	18	21	...	...	...	...
Fulton	34	11	23	...	...	...	...
Genesee	42	20	22	...	...	...	...
Greene	4	...	4	...	...	...	...
Hamilton	1	1	...	...	...	...	...
Herkimer	25	14	11	...	...	...	...
Jefferson	46	14	32	...	...	...	...
Lewis	9	2	7	...	...	...	...
Livingston	12	3	9	...	...	...	...
Madison	47	10	37	...	...	...	...
Monroe	530	199	331	...	...	...	...
Montgomery	4	1	3	...	...	...	...
Nassau	443	110	333	...	...	...	...
Niagara	38	8	30	...	...	...	...
Oneida	174	39	135	...	...	...	...
Onondaga	294	115	179	...	...	...	...
Ontario	94	32	62	...	...	...	...
Orange	40	6	34	...	...	...	...
Orleans	24	5	19	...	...	...	...
Oswego	23	7	16	...	...	...	...
Otsego	41	13	28	...	...	...	...
Putman	23	5	18	....	...	...	...
Rensselaer	53	30	23	...	...	...	...
Rockland	147	25	122	...	...	...	...
St. Lawrence	19	2	17	...	...	...	...
Saratoga	117	13	104	...	...	...	...
Schenectady	2	...	2	...	...	...	...
Schoharie	36	4	32	...	...	...	...
Schuyler	9	...	9	...	...	...	...
Seneca	14	5	9	...	...	...	...
Steuben	14	3	11	...	...	...	...
Suffolk	25	4	20	...	...	...	1
Sullivan	35	8	27	...	...	...	...
Tioga	33	10	22	1	...	...	...
Tompkins	33	6	27	...	...	...	...
Ulster	49	18	31	...	...	...	...
Warren	26	8	18	...	...	...	...
Washington	23	1	22	...	...	...	...
Wayne	47	28	19	...	...	...	...
Westchester	117	14	102	1	...	...	...
Wyoming	8	5	3	...	...	...	...
Yates	6	5	1	...	...	...	...

Table A-12
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Type of Petition
1986

Location	Total	Original Abuse Petition	Original Neglect Petition	Pins Petition	Petition Substituted For JO Petition	Petition Substituted For FO Petition	Other Petition
Total New York State	2,420	2,364	53	...	...	...	3
Total New York City	1,180	1,146	31	...	...	...	3
New York	143	140	3	...	...	...	...
Kings	511	491	20	...	...	...	...
Queens	219	212	4	...	...	...	3
Bronx	275	273	2	...	...	...	...
Richmond	32	30	2	...	...	...	...
Total Upstate	1,240	1,218	22	...	...	...	...
Albany	68	67	1	...	...	...	...
Allegany	2	2	...	...	...	...	...
Broome	43	41	2	...	...	...	...
Cattaraugus	12	12	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...
Chautauqua	25	25	...	...	...	...	...
Chemung	36	36	...	...	...	...	...
Chenango	...	...	...	...	...	...	...
Clinton	17	17	...	...	...	...	...
Columbia	5	5	...	...	...	...	...
Cortland	4	4	...	...	...	...	...
Delaware	20	20	...	...	...	...	...
Dutchess	1	1	...	...	...	...	...
Erie	189	187	2	...	...	...	...
Essex	7	6	1	...	...	...	...
Franklin	8	8	...	...	...	...	...
Fulton	11	10	1	...	...	...	...
Genesee	20	20	...	...	...	...	...
Greene	...	...	...	...	...	...	...
Hamilton	1	1	...	...	...	...	...
Herkimer	14	14	...	...	...	...	...
Jefferson	15	14	1	...	...	...	...
Lewis	2	2	...	...	...	...	...
Livingston	3	3	...	...	...	...	...
Madison	10	10	...	...	...	...	...
Monroe	199	199	...	...	...	...	...
Montgomery	1	1	...	...	...	...	...
Nassau	108	103	5	...	...	...	...
Niagara	8	8	...	...	...	...	...
Oneida	38	38	...	...	...	...	...
Onondaga	115	115	...	...	...	...	...
Ontario	32	32	...	...	...	...	...
Orange	5	4	1	...	...	...	...
Orleans	5	5	...	...	...	...	...
Oswego	7	7	...	...	...	...	...
Otsego	12	12	...	...	...	...	...
Putman	4	4	...	...	...	...	...
Rensselaer	30	30	...	...	...	...	...
Rockland	27	25	2	...	...	...	...
St. Lawrence	2	2	...	...	...	...	...
Saratoga	12	12	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...
Schoharie	4	4	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...
Seneca	5	5	...	...	...	...	...
Steuben	3	3	...	...	...	...	...
Suffolk	4	4	...	...	...	...	...
Sullivan	9	8	1	...	...	...	...
Tioga	10	10	...	...	...	...	...
Tompkins	6	6	...	...	...	...	...
Ulster	21	18	3	...	...	...	...
Warren	8	8	...	...	...	...	...
Washington	2	1	1	...	...	...	...
Wayne	27	27	...	...	...	...	...
Westchester	12	12	...	...	...	...	...
Wyoming	6	5	1	...	...	...	...
Yates	5	5	...	...	...	...	...

Table A-13
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Outcome Of Fact-Finding
1986

Location	Total	Abuse/Neglect Established After FF	Abuse/Neglect Established By Consent	Allegation Not Established After Fact-Finding	Not Applicable*
Total New York State	9,861	2,389	4,896	254	2,322
Total New York City	5,831	1,767	3,035	53	976
New York	1,482	624	672	7	179
Kings	1,776	525	1,045	10	196
Queens	1,075	395	367	25	289
Bronx	1,372	204	879	11	278
Richmond	125	19	72	...	34
Total Upstate	4,030	622	1,861	201	1,346
Albany	201	3	26	1	171
Allegany	4	...	3	1	...
Broome	140	51	71	7	11
Cattaraugus	49	2	18	6	23
Cayuga	1	...	1	...	...
Chautauqua	62	15	37	1	9
Chemung	80	23	38	3	16
Chenango	...	...	...	...	...
Clinton	37	3	27	...	7
Columbia	12	...	7	...	5
Cortland	30	5	17	4	4
Delaware	31	...	21	10	...
Dutchess	2	...	2	...	...
Erie	563	56	358	20	129
Essex	18	...	8	1	9
Franklin	39	1	21	3	14
Fulton	34	...	19	3	12
Genesee	42	2	21	3	16
Greene	4	...	1	2	1
Hamilton	1	...	...	...	1
Herkimer	23	...	18	...	7
Jefferson	46	7	30	3	6
Lewis	9	3	2	1	3
Livingston	12	...	12	...	...
Madison	47	2	25	1	19
Monroe	530	153	181	1	195
Montgomery	4	2	1	...	1
Nassau	443	73	233	5	132
Niagara	38	12	8	4	14
Oneida	174	29	61	32	52
Onondaga	294	44	148	5	97
Ontario	94	11	23	56	4
Orange	40	6	30	2	2
Orleans	24	3	20	...	1
Oswego	23	...	15	1	7
Otsego	41	36	...	1	4
Putman	23	4	2	...	17
Rensselaer	53	5	12	...	36
Rockland	147	11	65	5	66
St. Lawrence	19	4	14	...	1
Saratoga	117	4	64	3	46
Schenectady	2	2	...	...	...
Schoharie	36	4	18	...	14
Schuyler	9	...	...	...	9
Seneca	14	5	7	...	2
Steuben	14	1	4	...	9
Suffolk	25	...	1	6	18
Sullivan	35	7	4	1	23
Tioga	33	9	17	1	6
Tompkins	33	2	14	...	17
Ulster	49	6	10	...	33
Warren	26	3	15	...	8
Washington	23	...	15	2	6
Wayne	47	...	29	...	18
Westchester	117	12	59	6	40
Wyoming	8	1	7	...	...
Yates	6	...	1	...	5

*Disposed Before FF (Withdrawn, Consol., Trans., Dism.)

Table A-14
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Outcome Of Fact-Finding
1986

Location	Total	Abuse/Neglect Established After FF	Abuse/Neglect Established By Consent	Allegation Not Established After Fact-Finding	Not Applicable*
Total New York State	2,420	596	1,237	94	491
Total New York City	1,180	300	649	28	203
New York	143	58	73	2	10
Kings	511	105	333	7	66
Queens	219	89	51	18	61
Bronx	275	47	166	1	61
Richmond	32	1	26	...	5
Total Upstate	1,240	296	588	68	288
Albany	68	3	15	1	49
Allegany	2	...	2	...	...
Broome	43	23	19	1	...
Cattaraugus	12	1	5	...	6
Cayuga	...	...	...	...	...
Chautauqua	25	8	14	...	3
Chemung	36	8	18	2	8
Chenango	...	...	...	...	...
Clinton	17	...	17	...	...
Columbia	5	...	1	...	4
Cortland	4	1	2	...	1
Delaware	20	...	10	10	...
Dutchess	1	...	1	...	...
Erie	189	38	109	9	33
Essex	7	...	6	1	...
Franklin	8	1	4	...	3
Fulton	11	...	9	...	2
Genesee	20	1	15	1	3
Greene	...	...	...	...	...
Hamilton	1	...	...	...	1
Herkimer	14	...	12	...	2
Jefferson	15	4	9	1	1
Lewis	2	...	1	1	...
Livingston	3	...	3	...	...
Madison	10	...	5	1	4
Monroe	199	93	67	...	39
Montgomery	1	1	...	...	...
Nassau	108	14	73	3	18
Niagara	8	1	6	...	1
Oneida	38	14	14	7	3
Onondaga	115	37	50	5	23
Ontario	32	6	6	19	1
Orange	5	1	4	...	...
Orleans	5	...	4	...	1
Oswego	7	...	4	1	2
Otsego	12	11	...	...	1
Putnam	4	3	...	...	1
Rensselaer	30	5	9	...	16
Rockland	27	5	12	2	8
St. Lawrence	2	...	1	...	1
Saratoga	12	1	6	2	3
Schenectady	...	...	...	...	...
Schoharie	4	...	3	...	1
Schuyler	...	...	...	...	...
Seneca	5	2	3	...	...
Steuben	3	...	1	...	2
Suffolk	4	...	1	...	3
Sullivan	9	1	3	...	5
Tioga	10	3	4	...	3
Tompkins	6	1	2	...	3
Ulster	21	4	6	...	11
Warren	8	3	1	...	4
Washington	2	...	1	...	1
Wayne	27	...	16	...	11
Westchester	12	2	8	1	1
Wyoming	6	...	6	...	...
Yates	5	...	...	...	5

*Disposed before FF: [Withdrawn, Consol., Trans., Dism.]

Table A-15
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Breakdown Of Dispositions (Allegations Not Established)
1986

Location	Total	Dispositions — Allegations Not Established						
		Withdrawn	Consolidated	Transferred to Other County	ACD	Dismissed After Fact-Finding Hearing	Other Dismissal	Total Dispositions Allegations Established
Total New York State	9,861	817	28	29	1,207	146	579	7,055
Total New York City	5,831	455	1	3	352	55	251	4,714
New York	1,482	85	...	1	25	12	68	1,291
Kings	1,776	162	1	...	8	10	27	1,568
Queens	1,076	95	...	...	213	22	36	710
Bronx	1,372	96	...	2	93	11	114	1,054
Richmond	125	17	...	...	11	...	6	91
Total Upstate	4,030	362	27	26	855	91	328	2,341
Albany	201	10	...	1	135	...	33	2
Allegany	4	...	...	...	...	...	1	3
Broome	140	...	...	...	16	...	5	119
Cattaraugus	49	3	...	3	14	1	7	21
Cayuga	1	...	...	...	...	...	...	1
Chautauqua	62	...	...	...	3	...	7	52
Chemung	80	1	...	1	12	3	3	60
Chenango	...	...	...	...	...	...	...	...
Clinton	37	5	...	1	...	...	2	29
Columbia	12	2	1	...	2	...	...	7
Cortland	30	...	...	...	6	...	5	19
Delaware	31	...	...	...	14	11	...	6
Dutchess	2	...	...	...	...	...	...	2
Erie	563	9	2	4	110	3	43	392
Essex	18	...	...	...	5	1	6	6
Franklin	39	10	...	...	2	...	5	22
Fulton	34	8	1	...	...	3	3	19
Genesee	42	11	...	...	6	1	1	23
Greene	4	...	...	...	2	...	1	1
Hamilton	1	...	...	...	...	...	1	...
Herkimer	25	5	...	...	2	...	...	18
Jefferson	46	4	...	...	1	...	4	37
Lewis	9	...	...	...	3	1	...	5
Livingston	12	...	...	...	...	...	...	12
Madison	47	13	...	...	...	2	1	31
Monroe	530	28	1	2	121	5	69	304
Montgomery	4	1	...	...	...	...	...	3
Nassau	443	18	5	...	75	4	33	308
Niagara	38	...	...	...	8	1	8	21
Oneida	174	24	...	...	20	31	10	89
Onondaga	294	36	3	3	35	8	23	186
Ontario	94	1	...	1	53	...	5	34
Orange	40	2	...	...	15	...	...	23
Orleans	24	1	...	...	...	...	...	23
Oswego	23	7	...	...	...	...	1	15
Otsego	41	3	...	...	...	1	1	36
Putman	23	8	5	...	3	...	1	6
Rensselaer	53	8	7	1	20	...	...	17
Rockland	147	42	...	...	26	...	9	70
St. Lawrence	19	...	...	...	...	...	1	18
Saratoga	117	16	...	3	39	3	12	44
Schenectady	2	...	...	...	...	...	...	2
Schoharie	36	3	...	1	10	...	...	22
Schuyler	9	4	1	...	2	...	1	1
Seneca	14	...	...	...	4	...	1	9
Steuben	14	7	...	...	...	1	2	4
Suffolk	25	11	...	...	...	4	7	3
Sullivan	35	7	...	...	14	1	2	11
Tioga	33	6	...	...	...	1	...	26
Tompkins	33	1	...	...	23	...	3	6
Ulster	49	20	...	...	12	...	1	16
Warren	26	...	1	...	7	...	2	16
Washington	23	1	...	...	7	...	...	15
Wayne	47	2	...	1	11	1	3	29
Westchester	117	24	...	...	17	4	4	68
Wyoming	8	...	...	...	...	...	...	8
Yates	6	...	...	4	...	...	1	1

Table A-16
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Breakdown Of Dispositions (Allegations Not Established)
1986

Location	Total	Dispositions — Allegations Not Established						
		Withdrawn	Consolidated	Transferred to Other County	ACD	Dismissed After Fact-Finding Hearing	Other Dismissal	Total Dispositions Allegations Established
Total New York State	2,420	170	6	7	246	68	160	1,763
Total New York City	1,180	99	...	1	61	30	66	923
New York	143	3	...	...	5	2	4	129
Kings	511	58	...	...	4	7	4	438
Queens	219	20	...	...	40	17	12	130
Bronx	275	13	...	1	12	4	46	199
Richmond	32	5	...	...	...	...	...	27
Total Upstate	1,240	71	6	6	185	38	94	840
Albany	68	6	...	...	33	...	15	14
Allegany	2	...	...	...	...	...	...	2
Broome	43	...	...	...	4	...	...	39
Cattaraugus	12	1	...	...	3	...	2	6
Cayuga	...	...	...	...	...	...	...	...
Chautauqua	25	...	...	...	3	...	...	22
Chemung	36	1	...	...	4	2	3	26
Chenango	...	...	...	...	...	...	...	...
Clinton	17	...	...	...	...	...	...	17
Columbia	5	1	1	...	2	...	...	1
Cortland	4	...	...	...	1	...	...	3
Delaware	20	...	...	...	3	11	...	6
Dutchess	1	...	...	...	...	...	...	1
Erie	189	4	...	...	31	3	15	136
Essex	7	...	...	...	...	1	...	6
Franklin	8	3	...	...	...	...	...	5
Fulton	11	1	...	...	...	...	1	9
Genesee	20	1	...	...	2	...	1	16
Greene	...	...	...	...	...	...	...	...
Hamilton	1	...	...	...	...	...	1	...
Herkimer	14	...	...	...	2	...	...	12
Jefferson	15	1	...	...	...	...	1	13
Lewis	2	...	...	...	...	1	...	1
Livingston	3	...	...	...	...	...	...	3
Madison	10	4	...	...	...	2	...	4
Monroe	199	5	...	...	23	...	22	149
Montgomery	1	...	...	...	...	...	...	1
Nassau	108	1	1	...	8	3	8	87
Niagara	8	...	...	...	1	...	...	7
Oneida	38	2	...	...	...	6	3	27
Onondaga	115	4	3	...	14	5	7	82
Ontario	32	1	...	1	18	...	...	12
Orange	5	...	...	...	2	...	...	3
Orleans	5	1	...	...	...	...	...	4
Oswego	7	2	...	...	...	...	1	4
Otsego	12	...	...	...	...	...	1	11
Putman	4	...	...	...	1	...	...	3
Rensselaer	30	4	1	1	10	...	...	14
Rockland	27	6	...	...	3	...	2	16
St. Lawrence	2	...	...	...	...	...	1	1
Saratoga	12	1	...	...	2	2	1	6
Schenectady	...	...	...	...	...	...	...	...
Schoharie	4	1	...	...	...	...	...	3
Schuyler	...	...	...	...	...	...	...	...
Seneca	5	...	...	...	...	...	...	5
Steuben	3	1	...	...	...	...	1	1
Suffolk	4	...	...	...	...	...	2	2
Sullivan	9	2	...	...	2	1	...	4
Tioga	10	3	...	...	...	...	...	7
Tompkins	6	...	...	...	4	...	...	2
Ulster	21	10	...	...	1	...	...	10
Warren	8	...	...	...	2	...	2	4
Washington	2	1	...	...	...	...	...	1
Wayne	27	2	...	...	6	...	3	16
Westchester	12	1	...	...	...	1	...	10
Wyoming	6	...	...	...	...	...	...	6
Yates	5	...	...	4	...	...	1	...

Table A-17
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Breakdown Of Dispositions (Allegations Established)
1986

Location	Total	Judgment Suspended	Released to Parent or Responsible Person	Released to Parent or Person Under Supervision	Discharged to Social Services for Adoption	Reliable or Suitble Person	Placement Comm. of Social Services	Other Aurthorized Agency
Total New York State	7,038	68	456	1,869	19	187	4,439	...
Total New York City	4,703	3	307	839	16	84	3,454	...
New York	1,287	...	48	176	1	5	1,057	...
Kings	1,565	1	102	296	9	31	1,126	...
Queen	708	...	92	116	4	44	452	...
Bronx	1,052	1	59	237	2	3	750	...
Richmond	91	1	6	14	...	1	69	...
Total Upstate	2,335	65	149	1,030	3	103	985	...
Albany	22	19	...	...	...	1	2	...
Allegany	3	...	...	2	...	...	1	...
Broome	119	...	10	22	...	13	74	...
Cattaraugus	21	1	2	4	...	...	14	...
Cayuga	1	1	...	...	...	...	...	...
Chautauqua	52	...	...	21	...	2	29	...
Chemung	60	...	1	26	...	4	29	...
Chenango	...	...	...	...	...	...	...	...
Clinton	29	...	...	17	...	6	6	...
Columbia	7	1	...	6	...	...	...	...
Cortland	19	...	2	4	...	4	9	...
Delaware	6	...	2	1	...	...	3	...
Dutchess	2	...	..	2	...	...	...	...
Erie	391	...	11	193	...	3	184	...
Essex	6	...	...	...	...	...	6	...
Franklin	22	3	1	...	...	...	18	...
Fulton	16	...	...	6	...	...	10	...
Genesee	23	...	...	18	...	...	5	...
Greene	1	...	...	...	...	...	1	...
Hamilton	...	...	...	...	...	...	...	...
Herkimer	18	...	4	5	...	...	9	...
Jefferson	36	...	6	23	...	1	6	...
Lewis	5	...	...	...	1	...	4	...
Livingston	12	...	...	2	...	4	6	...
Madison	31	1	3	10	...	...	17	...
Monroe	304	...	15	192	1	1	95	...
Montgomery	3	...	...	...	...	...	3	...
Nassau	308	5	12	182	...	7	102	...
Niagara	21	...	2	3	...	2	14	...
Oneida	89	1	9	8	...	3	68	...
Onondaga	186	1	9	86	...	...	90	...
Ontario	34	1	6	8	...	7	12	...
Orange	23	...	2	18	...	2	1	...
Orleans	23	...	...	3	...	4	16	...
Oswego	15	...	3	6	...	...	6	...
Otsego	36	...	...	3	...	11	22	...
Putman	6	...	...	4	...	...	2	...
Rensselaer	17	1	3	9	...	1	3	...
Rockland	70	11	10	27	...	2	20	...
St. Lawrence	18	...	1	8	...	3	6	...
Saratoga	44	18	8	6	...	1	11	...
Schenectady	2	...	1	...	...	...	1	...
Schoharie	22	...	...	8	...	9	5	...
Schuyler	...	...	...	...	...	...	...	...
Seneca	9	...	5	1	...	1	2	...
Steuben	4	...	...	...	...	3	1	...
Suffolk	3	...	1	...	...	1	1	...
Sullivan	11	...	...	6	...	1	4	...
Tioga	26	...	4	13	...	1	8	...
Tompkins	6	1	...	5	...	...	...	...
Ulster	16	...	2	1	...	...	13	...
Warren	16	...	4	4	1	...	7	...
Washington	15	...	1	12	...	...	2	...
Wayne	29	...	...	21	...	2	6	...
Westchester	68	...	9	29	...	3	27	...
Wyoming	8	...	...	5	...	...	3	...
Yates	1	...	...	...	...	...	1	...

Table A-18
FAMILY COURT
Original Dispositions Of Child Protective Petitions Envolving Abuse: Breakdown Of Dispositions (Allegations Established)
1986

Location	Total	Judgment Suspended	Released to Parent or Responsible Person	Released to Parent or Person Under Supervision	Discharged to Social Services for Adoption	Reliable or Suitble Person	Placement Comm. of Social Services	Other Aurthorized Agency
Total New York State	2,420	170	6	7	246	68	160	1,763
Total New York City	1,180	99	...	1	61	30	66	923
New York	143	3	...	...	5	2	4	129
Kings	511	58	...	...	4	7	4	438
Queens	219	20	...	...	40	17	12	130
Bronx	275	13	...	1	12	4	46	199
Richmond	32	5	...	...	...	...	...	27
Total Upstate	1,240	71	6	6	185	38	94	840
Albany	68	6	...	...	33	...	15	14
Allegany	2	...	...	...	...	...	...	2
Broome	43	...	...	...	4	...	...	39
Cattaraugus	12	1	...	...	3	...	2	6
Cayuga	...	...	...	...	...	...	...	...
Chautauqua	25	...	...	...	3	...	...	22
Chemung	36	1	...	...	4	2	3	26
Chenango	...	...	...	...	...	...	...	...
Clinton	17	...	...	...	...	...	...	17
Columbia	5	1	1	...	2	...	...	1
Cortland	4	...	...	...	1	...	...	3
Delaware	20	...	...	...	3	11	...	6
Dutchess	1	...	...	...	...	...	...	1
Erie	189	4	...	...	31	3	15	136
Essex	7	...	...	...	...	1	...	6
Franklin	8	3	...	...	...	...	...	5
Fulton	11	1	...	...	...	...	1	9
Genesee	20	1	...	...	2	...	1	16
Greene	...	...	...	...	...	...	...	...
Hamilton	1	...	...	...	...	...	1	...
Herkimer	14	...	...	...	2	...	...	12
Jefferson	15	1	...	...	...	...	1	13
Lewis	2	...	...	...	...	1	...	1
Livingston	3	...	...	...	...	...	...	3
Madison	10	4	...	...	...	2	...	4
Monroe	199	5	...	...	23	...	22	149
Montgomery	1	...	...	...	...	...	...	1
Nassau	108	1	1	...	8	3	8	87
Niagara	8	...	...	...	1	...	...	7
Oneida	38	2	...	...	...	6	3	27
Onondaga	115	4	3	...	14	5	7	82
Ontario	32	1	...	1	18	...	...	12
Orange	5	...	...	...	2	...	...	3
Orleans	5	1	...	...	...	...	...	4
Oswego	7	2	...	...	...	...	1	4
Otsego	12	...	...	...	...	...	1	11
Putman	4	...	...	...	1	...	...	3
Rensselaer	30	4	1	1	10	...	...	14
Rockland	27	6	...	...	3	...	2	16
St. Lawrence	2	...	...	...	...	...	1	1
Saratoga	12	1	...	...	2	2	1	6
Schenectady	...	...	...	...	...	...	...	...
Schoharie	4	1	...	...	...	...	...	3
Schuyler	...	...	...	...	...	...	...	...
Seneca	5	...	...	...	...	...	...	5
Steuben	3	1	...	...	...	...	1	1
Suffolk	4	...	...	...	...	...	2	2
Sullivan	9	2	...	...	2	1	...	4
Tioga	10	3	...	...	...	...	...	7
Tompkins	6	...	...	...	4	...	...	2
Ulster	21	10	...	...	1	...	...	10
Warren	8	...	...	...	2	...	2	4
Washington	2	1	...	...	...	...	...	1
Wayne	27	2	...	...	6	...	3	16
Westchester	12	1	...	...	...	1	...	10
Wyoming	6	...	...	...	...	...	...	6
Yates	5	...	...	4	...	...	1	...

Table A-19
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Order Of Protection
1986

Location	Total	Order of Protection Entered	No Order of Protection Entered
Total New York State	9,861	2,735	7,126
Total New York City	5,831	1,157	4,674
New York	1,482	188	1,294
Kings	1,776	340	1,436
Queens	1,076	306	770
Bronx	1,372	254	1,118
Richmond	125	69	56
Total Upstate	4,030	1,578	2,452
Albany	201	34	167
Allegany	4	1	3
Broome	140	75	65
Cattaraugus	49	5	44
Cayuga	1	1	...
Chautauqua	62	9	53
Chemung	80	30	50
Chenango	...	...	...
Clinton	37	15	22
Columbia	12	3	9
Cortland	30	4	26
Delaware	31	13	18
Dutchess	2	...	2
Erie	563	157	406
Essex	18	...	18
Franklin	39	11	28
Fulton	34	8	26
Genesee	42	28	14
Greene	4	...	4
Hamilton	1	...	1
Herkimer	25	9	16
Jefferson	46	14	32
Lewis	9	1	8
Livingston	12	5	7
Madison	47	18	29
Monroe	530	411	119
Montgomery	4	...	4
Nassau	443	113	330
Niagara	38	5	33
Oneida	174	31	143
Onondaga	294	135	159
Ontario	94	35	59
Orange	40	20	20
Orleans	24	19	5
Oswego	23	14	9
Otsego	41	16	25
Putman	23	13	10
Rensselaer	53	29	24
Rockland	147	89	58
St. Lawrence	19	10	9
Saratoga	117	26	91
Schenectady	2	1	1
Schoharie	36	17	19
Schuyler	9	...	9
Seneca	14	10	4
Steuben	14	4	10
Suffolk	25	2	23
Sullivan	35	12	23
Tioga	33	13	20
Tompkins	33	24	9
Ulster	49	18	31
Warren	26	13	13
Washington	23	...	23
Wayne	47	43	4
Westchester	117	8	109
Wyoming	8	1	7
Yates	6	5	1

Table A-20
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Order Of Protection
1986

Location	Total	Order of Protection Entered	No Order of Protection Entered
Total New York State	2,420	1,273	1,147
Total New York City	1,1180	512	668
New York	143	38	105
Kings	511	216	295
Queens	219	105	114
Bronx	275	133	142
Richmond	32	20	12
Total Upstate	1,240	761	479
Albany	68	23	45
Allegany	2	1	1
Broome	43	39	4
Cattaraugus	12	1	11
Cayuga	...	...	...
Chautauqua	25	7	18
Chemung	36	19	17
Chenango	...	...	...
Clinton	17	11	6
Columbia	5	3	2
Cortland	4	4	...
Delaware	20	9	11
Dutchess	1	...	1
Erie	189	106	83
Essex	7	...	7
Franklin	8	4	4
Fulton	11	4	7
Genesee	20	19	1
Greene	...	...	...
Hamilton	1	...	1
Herkimer	14	8	6
Jefferson	15	10	5
Lewis	2	1	1
Livingston	3	2	1
Madison	10	6	4
Monroe	199	170	29
Montgomery	1	...	1
Nassau	108	48	60
Niagara	8	2	6
Moneida	38	20	18
Onondaga	115	89	26
Ontario	32	18	14
Orange	5	5	...
Orleans	5	4	1
Oswego	7	6	1
Otsego	12	3	9
Putman	4	4	...
Rensselaer	30	19	11
Rockland	27	18	9
St. Lawrence	2	1	1
Saratoga	12	6	6
Schenectady	...	...	...
Schoharie	4	1	3
Schuyler	...	...	...
Seneca	5	5	...
Steuben	3	...	3
Suffolk	4	2	2
Sullivan	9	5	4
Tioga	10	2	8
Tompkins	6	5	1
Ulster	21	12	9
Warren	8	5	3
Washington	2	...	2
Wayne	27	26	1
Westchester	12	4	8
Wyoming	6	...	6
Yates	5	4	1

Table A-21
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Allegations In Petitions
1986

Location	Total	Abuse-Inflict Physical Injury	Abuse-Risk of Physical Injury	Abuse-Sex Offense Against Child	Neglect
Total New York State	10,529	794	661	1,334	7,740
Total New York City	6,192	473	327	582	4,810
New York	1,532	76	10	62	1,384
Kings	2,015	245	173	272	1,325
Queens	1,130	67	47	117	899
Bronx	1,381	77	89	113	1,102
Richmond	134	8	8	18	100
Total Upstate	4,337	321	334	752	2,930
Albany	201	15	9	44	133
Allegany	4	...	...	2	2
Broome	160	12	8	29	111
Cattaraugus	49	3	...	9	37
Cayuga	1	...	...	...	1
Chautauqua	66	6	7	16	37
Chemung	81	5	...	32	44
Chenango	...	...	...	...	...
Clinton	59	12	8	5	34
Columbia	12	...	1	4	7
Cortland	30	...	...	4	26
Delaware	31	4	11	5	11
Dutchess	2	...	...	1	1
Erie	566	71	43	78	374
Essex	30	6	...	7	17
Franklin	39	1	1	6	31
Fulton	38	3	4	7	24
Genesee	42	1	6	13	22
Greene	4	...	...	...	4
Hamilton	1	...	...	1	...
Herkimer	36	...	5	14	17
Jefferson	46	2	...	13	31
Lewis	9	...	...	2	7
Livingston	13	2	1	1	9
Madison	50	1	5	7	37
Monroe	641	61	153	93	334
Montgomery	5	...	...	1	4
Nassau	523	33	31	48	411
Niagara	38	...	...	8	30
Oneida	175	2	...	36	137
Onondaga	296	15	11	91	179
Ontario	98	19	...	17	62
Orange	41	...	2	3	36
Orleans	24	...	...	5	19
Oswego	23	1	...	6	16
Otsego	42	3	2	7	30
Putman	23	...	...	4	19
Rensselaer	61	9	5	20	27
Rockland	147	7	2	18	120
St. Lawrence	19	2	...	...	17
Saratoga	117	1	...	11	105
Schenectady	2	...	...	...	2
Schoharie	36	...	...	4	32
Schuyler	9	...	...	...	9
Seneca	15	1	...	4	10
Steuben	14	1	1	1	11
Suffolk	25	3	...	1	21
Sullivan	36	4	...	6	26
Tioga	33	...	...	10	23
Tompkins	33	2	1	3	27
Ulster	57	7	4	14	32
Warren	26	...	...	8	18
Washington	23	...	1	1	21
Wayne	47	1	3	23	20
Westchester	123	1	3	8	111
Wyoming	9	4	2	...	3
Yates	6	...	4	1	1

NOTE: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-22
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Allegations In Petitions
1986

Location	Total	Abuse-Inflict Physical Injury	Abuse-Risk of Physical Injury	Abuse-Sex Offense Against Child	Neglect
Total New York State	3,088	794	661	1,334	299
Total New York City	1,541	473	327	582	159
New York	193	76	10	62	45
Kings	750	245	173	272	60
Queens	273	67	47	117	42
Bronx	284	77	89	113	5
Richmond	41	8	8	18	7
Total Upstate	1,547	321	334	752	140
Albany	68	15	9	44	...
Allegany	2	...	...	2	...
Broome	63	12	8	29	14
Cattaraugus	12	3	...	9	...
Cayuga	...	...	...	...	...
Chautauqua	29	6	7	16	...
Chemung	37	5	...	32	...
Chenango	...	...	...	...	...
Clinton	39	12	8	5	14
Columbia	5	...	1	4	...
Cortland	4	...	...	4	...
Delaware	20	4	11	5	...
Dutchess	1	...	...	1	...
Erie	192	71	43	78	...
Essex	19	6	...	7	6
Franklin	8	1	1	6	...
Fulton	15	3	4	7	1
Genesee	20	1	6	13	...
Greene	...	...	...	...	...
Hamilton	1	...	...	1	...
Herkimer	25	...	5	14	6
Jefferson	15	2	...	13	...
Lewis	2	...	...	2	...
Livingston	4	2	1	1	...
Madison	13	1	5	7	...
Monroe	310	61	153	93	3
Montgomery	2	...	...	1	1
Nassau	188	33	31	48	76
Niagara	8	...	...	8	...
Oneida	39	2	...	36	1
Onondaga	117	15	11	91	...
Ontario	36	19	...	17	...
Orange	6	...	2	3	1
Orleans	5	...	...	5	...
Oswego	7	1	...	6	...
Otsego	13	3	2	7	1
Putman	4	...	...	4	...
Rensselaer	38	9	5	20	4
Rockland	27	7	2	18	...
St. Lawrence	2	2	...	...	...
Saratoga	12	1	...	11	...
Schenectady	...	...	...	...	...
Schoharie	4	...	...	4	...
Schuyler	...	...	...	...	...
Seneca	6	1	...	4	1
Steuben	3	1	1	1	...
Suffolk	4	3	...	1	...
Sullivan	10	4	...	6	...
Tioga	10	...	...	10	...
Tompkins	6	2	1	3	...
Ulster	29	7	4	14	4
Warren	8	...	...	8	...
Washington	2	...	1	1	...
Wayne	27	1	3	23	...
Westchester	18	1	3	8	6
Wyoming	7	4	2	...	1
Yates	5	...	4	1	...

NOTE: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-23
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Allegations Established
1986

Location	Total	Abuse	Neglect	Abuse and Neglect	Not applicable*
Total New York State	9,861	832	6,353	219	2,457
Total New York City	5,831	349	4,375	128	979
New York	1,482	37	1,243	29	173
Kings	1,776	124	1,386	66	200
Queens	1,076	73	682	19	302
Bronx	1,372	104	988	9	271
Richmond	125	11	76	5	33
Total Upstate	4,030	483	1,978	91	1,478
Albany	201	21	19	...	161
Allegany	4	2	1	...	1
Broome	140	14	94	17	15
Cattaraugus	49	4	18	...	27
Cayuga	1	...	1	...	...
Chautauqua	62	11	41	...	10
Chemung	80	17	44	...	19
Chenango	...	...	...	...	...
Clinton	37	1	19	10	7
Columbia	12	1	6	...	5
Cortland	30	3	19	...	8
Delaware	31	8	13	...	10
Dutchess	2	...	2	...	...
Erie	563	90	325	2	146
Essex	18	...	2	6	10
Franklin	39	8	17	...	14
Fulton	34	5	14	...	15
Genesee	42	9	14	1	18
Greene	4	...	1	...	3
Hamilton	1	...	...	...	1
Herkimer	25	3	15	...	7
Jefferson	46	8	28	1	9
Lewis	9	...	4	1	4
Livingston	12	1	11	...	...
Madison	47	1	29	2	15
Monroe	530	97	230	10	193
Montgomery	4	...	2	1	1
Nassau	443	1	284	25	133
Niagara	38	6	17	...	15
Oneida	174	15	75	1	83
Onondaga	294	44	151	2	97
Ontario	94	12	33	...	49
Orange	40	2	34	...	4
Orleans	24	4	19	...	1
Oswego	23	4	11	...	8
Otsego	41	10	25	1	5
Putman	23	3	3	...	17
Rensselaer	53	11	3	3	36
Rockland	147	15	63	...	69
St. Lawrence	19	...	18	...	1
Saratoga	117	6	62	1	48
Schenectady	2	...	2	...	...
Schoharie	36	3	19	...	14
Schuyler	9	...	1	...	8
Seneca	14	2	8	2	2
Steuben	14	...	6	...	8
Suffolk	25	3	2	...	20
Sullivan	35	2	9	...	24
Tioga	33	6	20	...	7
Tompkins	33	3	13	...	17
Ulster	49	6	10	...	33
Warren	26	2	17	...	7
Washington	23	...	15	...	8
Wayne	47	10	18	1	18
Westchester	117	6	65	...	46
Wyoming	8	3	5	...	...
Yates	6	...	1	4	1

*No finding

Table A-24
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Allegations Established
1986

Location	Total	Abuse	Neglect	Abuse and Neglect	Not Applicable*
Total New York State	2,420	832	813	219	556
Total New York City	1,180	349	476	128	227
New York	143	37	66	29	11
Kings	511	124	248	66	73
Queens	219	73	49	19	78
Bronx	275	104	102	9	60
Richmond	32	11	11	5	5
Total Upstate	1,240	483	337	91	329
Albany	68	21	1	...	46
Allegany	2	2	...	...	...
Broome	43	14	12	17	...
Cattaraugus	12	4	2	...	6
Cayuga	...	...	...	...	...
Chautauqua	25	11	11	...	3
Chemung	36	17	9	...	10
Chenango	...	...	...	...	...
Clinton	17	1	6	10	...
Columbia	5	1	...	...	4
Cortland	4	3	...	...	1
Delaware	20	8	2	...	10
Dutchess	1	...	1	...	...
Erie	189	90	55	2	42
Essex	7	...	...	6	1
Franklin	8	8	...	...	...
Fulton	11	5	4	...	2
Genesee	20	9	6	1	4
Greene	...	...	...	...	...
Hamilton	1	...	...	...	1
Herkimer	14	3	9	...	2
Jefferson	15	8	4	1	2
Lewis	2	...	...	1	1
Livingston	3	1	2	...	...
Madison	10	1	2	2	5
Monroe	199	97	54	10	38
Montgomery	1	...	...	1	...
Nassau	108	1	61	25	21
Niagara	8	6	1	...	1
Oneida	38	15	13	1	9
Onondaga	115	44	46	2	23
Ontario	32	12	4	...	16
Orange	5	2	3	...	...
Orleans	5	4	...	...	1
Oswego	7	4	...	...	3
Otsego	12	10	...	1	1
Putman	4	3	...	...	1
Rensselaer	30	11	...	3	16
Rockland	27	15	3	...	9
St. Lawrence	2	...	1	...	1
Saratoga	12	6	1	1	4
Schenectady	...	...	...	...	...
Schoharie	4	3	...	...	1
Schuyler	...	...	...	...	...
Seneca	5	2	1	2	...
Steuben	3	...	1	...	2
Suffolk	4	3	...	...	1
Sullivan	9	2	2	...	5
Tioga	10	6	1	...	3
Tompkins	6	3	...	...	3
Ulster	21	6	4	...	11
Warren	8	2	2	...	4
Washington	2	...	1	...	1
Wayne	27	10	5	1	11
Westchester	12	6	4	...	2
Wyoming	6	3	3	...	...
Yates	5	...	...	4	1

*No finding

Table A-25
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Temporary Removal Of Children From Home Before Petition Filed
1986

Location	Total	Removed Pursuant to 1022	Not Removed
Total New York State	9,861	2,327	7,534
Total New York City	5,831	1,332	4,499
New York	1,482	645	837
Kings	1,776	229	1,547
Queens	1,076	114	962
Bronx	1,372	336	1,036
Richmond	125	8	117
Total Upstate	4,030	995	3,035
Albany	201	48	153
Allegany	4	2	2
Broome	140	23	117
Cattaraugus	49	20	29
Cayuga	1	...	1
Chautauqua	62	...	62
Chemung	80	16	64
Chenango	...	...	...
Clinton	37	9	28
Columbia	12	8	4
Cortland	30	22	8
Delaware	31	11	20
Dutchess	2	...	2
Erie	563	19	544
Essex	18	7	11
Franklin	39	22	17
Fulton	34	11	23
Genesee	42	...	42
Greene	4	1	3
Hamilton	1	...	1
Herkimer	25	5	20
Jefferson	46	6	40
Lewis	9	4	5
Livingston	12	4	8
Madison	47	28	19
Monroe	530	258	272
Montgomery	4	3	1
Nassau	443	116	327
Niagara	38	12	26
Oneida	174	10	164
Onondaga	294	35	259
Ontario	94	2	92
Orange	40	4	36
Orleans	24	1	23
Oswego	23	10	13
Otsego	41	30	11
Putman	23	5	18
Rensselaer	53	19	34
Rockland	147	49	98
St. Lawrence	19	...	19
Saratoga	117	28	89
Schenectady	2	1	1
Schoharie	36	8	28
Schuyler	9	5	4
Seneca	14	2	12
Steuben	14	6	8
Suffolk	25	1	24
Sullivan	35	10	25
Tioga	33	3	30
Tompkins	33	10	23
Ulster	49	8	41
Warren	26	3	23
Washington	23	...	23
Wayne	47	5	42
Westchester	117	75	42
Wyoming	8	6	2
Yates	6	4	2

Table A-26
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuses: Temporary Removal Of Children From Home Before Petition Filed
1986

Location	Total	Removed Pursuant to 1022	Not Removed
Total New York State	2,420	509	1,911
Total New York City	1,180	190	990
New York	143	30	113
Kings	511	114	397
Queens	219	14	205
Bronx	275	32	243
Richmond	32	...	32
Total Upstate	1,240	319	921
Albany	68	16	52
Allegany	2	...	2
Broome	43	11	32
Cattaraugus	12	7	5
Cayuga	...	...	...
Chautauqua	25	...	25
Chemung	36	14	22
Chenango	...	...	...
Clinton	17	2	15
Columbia	5	1	4
Cortland	4	1	3
Delaware	20	11	9
Dutchess	1	...	1
Erie	189	5	184
Essex	7	7	...
Franklin	8	2	6
Fulton	11	4	7
Genesee	20	...	20
Greene	...	...	...
Hamilton	1	...	1
Herkimer	14	5	9
Jefferson	15	3	12
Lewis	2	...	2
Livingston	3	...	3
Madison	10	9	1
Monroe	199	82	117
Montgomery	1	1	...
Nassau	108	49	59
Niagara	8	...	8
Oneida	38	2	36
Onondaga	115	17	98
Ontario	32	1	31
Orange	5	1	4
Orleans	5	1	4
Oswego	7	...	7
Otsego	12	8	4
Putman	4	...	4
Rensselaer	30	10	20
Rockland	27	7	20
St. Lawrence	2	...	2
Saratoga	12	3	9
Schenectady	...	...	...
Schoharie	4	1	3
Schuyler	...	...	...
Seneca	5	2	3
Steuben	3	1	2
Suffolk	4	...	4
Sullivan	9	8	1
Tioga	10	...	10
Tompkins	6	3	3
Ulster	21	4	17
Warren	8	...	8
Washington	2	...	2
Wayne	27	2	25
Westchester	12	9	3
Wyoming	6	5	1
Yates	5	4	1

Table A-27
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Temporary Removal Of Children From Home After Petition Filed
1986

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Removed
Total New York State	9,766	176	147	172	214	1,504	2,093	1,699	3,761
Total New York City	5,750	82	71	102	83	1,032	1,742	1,417	1,221
New York	1,436	29	27	38	16	269	514	384	159
Kings	1,756	23	12	12	22	312	542	587	246
Queens	1,075	10	11	23	14	178	273	117	449
Bronx	1,358	20	20	29	29	230	374	317	339
Richmond	125	...	1	...	2	43	39	12	28
Total Upstate	4,016	94	76	70	131	472	351	282	2,540
Albany	201	4	2	7	14	18	7	3	146
Allegany	4	...	...	...	...	1	1	...	2
Broome	140	1	5	2	9	31	27	7	58
Cattaraugus	49	...	2	...	1	2	5	7	32
Cayuga	1	...	...	...	...	...	...	...	1
Chautauqua	62	...	...	...	...	1	8	5	48
Chemung	80	10	5	6	...	14	4	10	31
Chenango	...	...	...	...	...	...	...	...	...
Clinton	37	...	1	...	...	2	...	3	31
Columbia	12	...	...	...	2	4	...	...	6
Cortland	30	...	...	...	1	...	13	5	11
Delaware	31	...	...	...	...	2	...	...	29
Dutchess	2	...	...	...	...	...	...	...	2
Erie	563	14	22	14	29	116	67	37	264
Essex	18	...	...	...	...	1	2	6	9
Franklin	39	1	...	...	...	...	...	...	38
Fulton	34	3	...	...	...	4	5	...	22
Genesee	42	1	...	...	...	5	...	...	36
Greene	4	...	...	...	...	...	1	3	...
Hamilton	1	...	...	...	...	...	...	...	1
Herkimer	25	...	...	...	...	6	1	3	15
Jefferson	46	1	...	...	...	8	4	...	33
Lewis	9	...	...	...	...	...	1	1	7
Livingston	12	...	1	1	3	...	...	1	6
Madison	46	...	...	...	1	4	...	...	41
Monroe	530	9	14	20	17	116	68	42	244
Montgomery	4	...	...	...	...	1	...	...	3
Nassau	434	19	2	3	2	15	20	44	329
Niagara	38	...	...	...	...	...	...	3	35
Oneida	172	...	...	...	4	10	11	1	146
Onondaga	294	4	6	7	13	39	33	23	169
Ontario	94	5	...	...	...	3	...	6	80
Orange	40	...	...	..	2	1	1	...	36
Orleans	24	...	...	...	...	1	4	...	19
Oswego	23	...	...	...	...	8	1	...	14
Otsego	39	...	3	...	...	2	17	8	9
Putman	23	...	...	...	...	3	4	...	16
Rensselaer	53	4	2	1	...	5	...	10	31
Rockland	147	8	3	3	16	17	11	8	81
St. Lawrence	19	2	...	...	...	...	...	4	13
Saratoga	117	...	1	1	8	3	10	5	89
Schenectady	2	...	...	...	...	...	...	...	2
Schoharie	36	...	3	...	...	4	...	1	28
Schuyler	9	2	...	...	1	...	...	1	5
Seneca	14	...	...	...	...	...	...	3	11
Steuben	14	...	...	...	1	1	5	...	7
Suffolk	25	...	...	...	...	...	...	...	25
Sullivan	35	2	...	2	...	1	1	...	29
Tioga	33	...	1	...	1	1	...	5	25
Tompkins	33	...	1	...	3	2	3	1	23
Ulster	49	...	...	2	...	5	1	5	36
Warren	26	1	1	1	...	1	4	7	11
Washington	23	...	...	...	...	1	...	...	22
Wayne	47	...	1	...	...	1	1	2	42
Westchester	117	3	...	...	3	4	8	12	87
Yoming	8	...	...	...	...	3	2	...	3
Yates	6	...	...	...	...	5	...	...	1

Table A-28
FAMILY COURT
Original Dispositions Of Child protective Petitions Involving Abuse: Temporary Removal Of Children From Home After Petition Filed
1986

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Removed
Total New York State	2,395	61	35	41	31	322	393	384	1,128
Total New York City	1,160	24	20	17	15	189	267	253	375
New York	132	11	5	...	...	14	45	41	16
Kings	502	10	7	10	11	101	111	132	120
Queens	219	1	2	...	2	26	43	26	119
Bronx	275	2	6	7	2	45	53	48	112
Richmond	32	...	...	...	...	3	15	6	8
Total Upstate	1,235	37	15	24	16	133	126	131	753
Albany	68	3	...	...	6	7	2	1	49
Allegany	2	...	...	...	...	...	...	...	2
Broome	43	...	3	...	...	14	6	3	17
Cattaraugus	12	...	...	...	1	...	3	4	4
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	25	...	...	...	...	...	2	5	18
Chemung	36	10	2	2	...	6	3	8	5
Chenango	...	...	...	...	...	...	...	...	...
Clinton	17	...	...	...	...	...	...	2	15
Columbia	5	...	...	...	...	...	...	...	5
Cortland	4	...	...	...	...	...	...	1	3
Delaware	20	...	...	...	...	2	...	...	18
Dutchess	1	...	...	...	...	...	...	...	1
Erie	189	2	1	2	...	34	22	21	107
Essex	7	...	...	...	...	1	...	6	...
Franklin	8	...	...	...	...	...	...	...	8
Fulton	11	...	...	...	...	...	4	...	7
Genesee	20	...	...	...	...	5	...	...	15
Greene	...	...	...	...	...	...	...	...	...
Hamilton	1	...	...	...	...	...	...	...	1
Herkimer	14	...	...	...	...	2	...	1	11
Jefferson	15	1	...	...	...	2	1	...	11
Lewis	2	...	...	...	...	...	1	...	1
Livingston	3	...	1	...	...	...	...	1	1
Madison	10	...	...	...	...	1	...	...	9
Monroe	199	...	2	9	1	22	28	27	110
Montgomery	1	...	...	...	...	...	...	...	1
Nassau	105	15	1	...	1	6	8	15	59
Niagara	8	...	...	...	...	...	...	...	8
Oneida	38	...	...	...	...	2	10	...	26
Onondaga	115	1	1	5	7	14	15	16	56
Ontario	32	...	...	...	...	...	...	...	32
Orange	5	...	...	...	...	...	1	...	4
Orleans	5	...	...	...	...	1	...	...	4
Oswego	7	...	...	...	...	...	...	...	7
Otsego	10	...	...	...	...	...	6	...	4
Putman	4	...	...	...	...	...	3	...	1
Rensselaer	30	...	2	1	...	3	...	4	20
Rockland	27	2	1	1	...	2	1	3	17
St. Lawrence	2	...	...	...	...	...	...	...	2
Saratoga	12	...	...	1	...	...	3	...	8
Schenectady	...	.	..	...	...	...	...	...	...
Schoharie	4	...	...	...	...	...	...	...	4
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	5	...	...	...	...	...	...	2	3
Steuben	3	...	...	...	...	1	1	...	1
Suffolk	4	...	...	...	...	...	...	...	4
Sullivan	9	2	...	1	...	1	1	...	4
Tioga	10	...	...	...	...	...	...	3	7
Tompkins	6	...	1	...	...	...	1	1	3
Ulster	21	...	...	2	...	...	...	2	17
Warren	8	...	...	...	...	...	1	...	7
Washington	2	...	...	...	...	...	...	...	2
Wayne	27	...	...	...	...	...	1	2	24
Westechester	12	1	...	...	...	...	...	3	8
Wyoming	6	...	...	...	...	3	2	...	1
Yates	5	...	...	...	...	4	...	...	1

Table A-29
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse:
Age Of Boys When Petition Filed
1986

Location	Total	3 or Younger	4-6	7-9	10-12	13-15	16 or More
Total New York State	888	296	211	136	110	84	51
Total New York City	481	168	121	72	51	43	26
New York	67	30	16	14	3	3	1
Kings	209	74	54	31	19	20	11
Queens	84	23	20	11	18	6	6
Bronx	112	39	27	14	11	13	8
Richmond	9	2	4	2	...	1	...
Total Upstate	407	128	90	64	59	41	25
Albany	20	2	8	1	7	2	...
Allegany	...	...	...	...	...	...	...
Broome	11	6	2	1	1	1	...
Cattaraugus	1	...	...	...	1	...	...
Cayuga	...	...	...	...	...	...	...
Chautauqua	8	2	3	2	...	...	1
Chemung	9	2	1	2	1	2	1
Chenango	...	...	...	...	...	...	...
Clinton	7	2	3	...	2	...	...
Columbia	1	1	...	...	...	...	...
Cortland	1	1	...	...	...	...	...
Delaware	10	4	1	3	...	2	...
Dutchess	...	...	...	...	...	...	...
Erie	70	22	12	11	11	7	7
Essex	3	...	1	1	1	...	...
Franklin	2	2	...	...	...	...	...
Fulton	5	3	2	...	...	...	...
Genesee	7	2	4	1	...	...	...
Greene	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...
Herkimer	6	1	...	1	3	1	...
Jefferson	4	2	1	1	...	...	...
Lewis	...	...	...	...	...	...	...
Livingston	1	1	...	...	...	...	...
Madison	2	...	...	...	2	...	..
Monroe	75	16	18	10	16	8	7
Montgomery	...	...	...	...	...	...	...
Nassau	38	16	5	6	5	4	2
Niagara	1	...	1	...	...	...	...
Oneida	3	2	...	1	...	...	...
Onondaga	38	6	8	12	3	6	3
Ontario	13	4	3	3	...	1	2
Orange	3	1	1	...	1	...	...
Orleans	...	...	...	...	...	...	...
Oswego	1	...	1	...	...	...	...
Otsego	6	3	2	1	...	...	...
Putman	2	1	...	...	...	1	...
Rensselaer	9	6	...	...	1	2	...
Rockland	9	2	3	2	1	1	...
St. Lawrence	1	1	...	...	...	...	...
Saratoga	2	...	1	...	1	...	...
Schenectady	...	...	...	...	...	...	...
Schoharie	1	...	...	...	...	1	...
Schuyler	...	...	...	...	...	...	...
Seneca	3	1	...	...	...	1	1
Steuben	2	1	1	...	...	...	...
Suffolk	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...
Tioga	5	3	1	1	...	...	...
Tompkins	1	1	...	...	...	...	...
Ulster	5	...	4	1	...	...	...
Warren	2	1	...	1	...	...	...
Washington	...	...	...	...	...	...	...
Wayne	9	4	1	1	2	...	1
Westchester	3	2	...	1	...	...	...
Wyoming	5	4	1	...	...	...	...
Yates	2	...	1	...	...	1	...

Table A-30
FAMILY COURT
Original Dispositions Of Child protective Petitions Involving Abuse: Age Of Girls When Petition Filed
1986

Location	Total	3 or Younger	4-6	7-9	10-12	13-15	16 or More
Total New York State	1,380	301	261	224	248	216	130
Total New York City	638	182	130	98	119	69	40
New York	74	28	18	9	14	3	2
Kings	270	79	65	35	51	28	12
Queens	121	32	21	16	18	20	14
Bronx	152	40	21	34	31	16	10
Richmond	21	3	5	4	5	2	2
Total Upstate	742	119	131	126	129	147	90
Albany	44	5	8	12	8	6	5
Allegany	2	...	...	...	...	1	1
Broome	31	3	4	3	10	5	6
Cattaraugus	9	...	2	1	2	4	...
Cayuga	...	...	...	...	...	...	...
Chautauqua	16	4	4	5	...	2	1
Chemung	26	3	9	4	7	2	1
Chenango	...	...	...	...	...	...	...
Clinton	10	5	3	1	...	1	...
Columbia	2	1	...	...	1	...	...
Cortland	2	...	...	...	...	2	...
Delaware	9	1	2	1	3	1	1
Dutchess	1	...	1	...	...	...	...
Erie	102	21	20	20	18	12	11
Essex	4	2	1	1	...	...	...
Franklin	6	2	...	2	2	...	...
Fulton	5	1	...	...	1	3	...
Genesee	13	2	2	2	1	5	1
Greene	...	...	...	...	...	...	...
Hamilton	1	...	...	1	...	...	...
Herkimer	8	1	1	2	1	...	3
Jefferson	9	2	2	2	3	...	...
Lewis	2	...	...	...	...	...	2
Livingston	1	...	...	...	...	1	...
Madison	7	...	...	3	1	1	2
Monroe	114	19	16	27	14	23	15
Montgomery	1	...	1	...	...	...	...
Nassau	59	11	8	4	11	17	8
Niagara	4	...	1	1	1	1	...
Oneida	28	3	8	2	4	7	4
Onondaga	71	6	12	13	16	17	7
Ontario	18	6	1	2	4	4	1
Orange	1	...	1	...	...	...	...
Orleans	5	...	...	1	...	2	2
Oswego	6	...	1	...	2	...	3
Otsego	6	3	1	...	...	2	...
Putman	2	1	...	...	1	...	...
Rensselaer	17	3	3	2	3	4	2
Rockland	16	2	4	3	2	4	1
St. Lawrence	1	1	...	...	...	...	...
Saratoga	10	1	5	...	1	3	...
Schenectady	...	...	...	...	...	...	...
Schoharie	2	...	...	...	...	1	1
Schuyler	...	...	...	...	...	...	...
Seneca	1	...	...	...	...	...	1
Steuben	1	...	...	1	...	...	...
Suffolk	4	1	1	...	1	...	1
Sullivan	6	...	2	...	1	2	1
Tioga	5	...	1	1	...	2	1
Tompkins	5	1	...	2	1	1	...
Ulster	14	...	1	2	3	6	2
Warren	6	2	1	2	...	...	1
Washington	2	1	1	...	...	...	...
Wayne	16	2	1	1	4	3	5
Westchester	8	2	1	2	1	2	...
Wyoming	1	...	1	...	...	...	...
Yates	2	1	...	...	1	...	...

Table A-31
FAMILY COURT
Original Dispotions Of Child Protective Petitions Involving Abuse: Type Of Petitioner
1986

Location	Total	Child Protective Agency	Person on Court's Direction
Total New York State	2,420	2,405	15
Total New York City	1,180	1,175	5
New York	143	143	...
Kings	511	507	4
Queens	219	218	1
Bronx	275	275	...
Richmond	32	32	...
Total Upstate	1,240	1,230	10
Albany	68	68	...
Allegany	2	2	...
Broome	43	43	...
Cattaraugus	12	12	...
Cayuga	...	...	...
Chautauqua	25	25	...
Chemung	36	36	...
Chenango	...	...	...
Clinton	17	17	...
Columbia	5	5	...
Cortland	4	4	...
Delaware	20	20	...
Dutchess	1	1	...
Erie	189	188	1
Essex	7	7	...
Franklin	8	8	...
Fulton	11	11	...
Genesee	20	20	...
Greene	...	...	...
Hamilton	1	1	...
Herkimer	14	14	...
Jefferson	15	15	...
Lewis	2	2	...
Livingston	3	2	1
Madison	10	10	...
Monroe	199	192	7
Montgomery	1	1	...
Nassau	108	107	1
Niagara	8	8	...
Oneida	38	38	...
Onondaga	115	115	...
Ontario	32	32	...
Orange	5	5	...
Orleans	5	5	...
Oswego	7	7	...
Otsego	12	12	...
Putman	4	4	...
Rensselaer	30	30	...
Rockland	27	27	...
St. Lawrence	2	2	...
Saratoga	12	12	...
Schenectady	...	...	...
Schoharie	4	4	...
Schuyler	...	...	...
Seneca	5	5	...
Steuben	3	3	...
Suffolk	4	4	...
Sullivan	9	9	...
Tioga	10	10	...
Tompkins	6	6	...
Ulster	21	21	...
Warren	8	8	...
Washington	2	2	...
Wayne	27	27	...
Westchester	12	12	...
Wyoming	6	6	...
Yates	5	5	...

Table A-32
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Adjournments From Filing Petition To Completion Of Fact-Finding Hearing
1986

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	2,420	248	209	315	314	250	170	556	358
Total New York City	1,180	13	55	143	165	149	86	371	198
New York	143	2	1	17	15	16	16	66	10
Kings	511	3	18	45	80	83	40	179	63
Queens	219	3	11	32	24	20	13	54	62
Bronx	275	3	23	48	40	22	15	64	60
Richmond	32	2	2	1	6	8	2	8	3
Total Upstate	1,240	235	154	172	149	101	84	185	160
Albany	68	48	8	4	2	3	1	2	...
Allegany	2	1	...	...	1	...	...	...	...
Broome	43	36	3	2	...	...	2	...	...
Cattaraugus	12	2	1	1	1	...	...	1	6
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	25	3	2	15	4	1	...	...	...
Chemung	36	6	5	11	1	...	5	3	5
Chenango	...	...	...	...	...	...	...	...	...
Clinton	17	15	2	...	...	...	...	...	...
Columbia	5	3	1	1	...	...	...	...	...
Cortland	4	4	...	...	...	...	...	...	...
Delaware	20	8	12	...	...	...	...	...	...
Dutchess	1	...	1	...	...	...	...	...	...
Erie	189	36	31	29	23	19	12	15	24
Essex	7	...	6	...	...	...	1	...	...
Franklin	8	1	4	...	...	...	...	...	3
Fulton	11	5	...	...	...	...	4	1	1
Genesee	20	...	7	5	2	...	2	2	2
Greene	...	...	...	...	...	...	...	...	...
Hamilton	1	...	...	...	...	...	...	...	1
Herkimer	14	...	2	5	...	...	5	...	2
Jefferson	15	5	...	2	2	2	2	2	...
Lewis	2	...	...	...	1	...	1	...	...
Livingston	3	...	2	...	1	...	...	...	...
Madison	10	...	6	...	...	...	...	...	4
Monroe	199	24	3	12	33	23	16	74	14
Montgomery	1	...	1	...	...	...	...	...	...
Nassau	108	6	8	14	20	15	10	18	17
Niagara	8	1	...	4	1	1	...	...	1
Oneida	38	...	1	8	11	3	...	12	3
Onondaga	115	...	1	16	19	22	6	34	17
Ontario	32	3	10	12	1	1	1	3	1
Orange	5	4	...	1	...	...	...	...	...
Orleans	5	2	1	1	...	...	...	...	1
Oswego	7	5	2	...	...	...	...	...	...
Otsego	12	5	5	...	2	...	...	...	...
Putman	4	...	...	...	1	...	...	3	...
Rensselaer	30	...	4	4	3	3	...	...	16
Rockland	27	2	3	7	8	1	2	2	2
St. Lawrence	2	2	...	...	...	...	...	...	...
Saratoga	12	1	1	...	...	...	1	7	2
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	4	1	...	3	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	5	...	...	3	2	...	...	...	...
Steuben	3	1	...	...	1	...	...	...	1
Suffolk	4	1	...	...	1	...	...	...	2
Sullivan	9	2	1	...	...	1	...	...	5
Tioga	10	...	5	1	1	...	...	...	3
Tompkins	6	...	2	...	1	...	...	...	3
Ulster	21	...	5	3	1	...	1	...	11
Warren	8	...	...	...	1	3	...	...	4
Washington	2	1	...	...	...	...	...	...	1
Wayne	27	...	2	4	3	1	11	4	2
Westchester	12	...	1	4	1	2	1	2	1
Wyoming	6	1	5	...	...	...	...	...	...
Yates	5	...	...	...	...	...	...	...	5

*Disposed before fact-finding

Table A-33
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Adjournments From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1986

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	2,420	908	649	261	110	61	26	57	348
Total New York City	1,180	300	422	160	47	22	8	32	189
New York	143	23	53	39	8	3	1	6	10
Kings	511	149	200	64	15	4	3	20	56
Queens	219	58	56	31	8	...	...	1	65
Bronx	275	61	100	23	14	14	4	4	55
Richmond	32	9	13	3	2	1	...	1	3
Total Upstate	1,240	608	227	101	63	39	18	25	159
Albany	68	11	15	18	13	4	5	2	...
Allegany	2	2	...	...	...	...	...	...	...
Broome	43	18	11	2	2	5	3	2	...
Cattaraugus	12	2	2	2	...	...	...	...	6
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	25	9	7	5	3	1	...	...	...
Chemung	36	30	1	...	...	...	...	...	5
Chenango	...	...	...	...	...	...	...	...	...
Clinton	17	17	...	...	...	...	...	...	...
Columbia	5	4	1	...	...	...	...	...	...
Cortland	4	4	...	...	...	...	...	...	...
Delaware	20	20	...	...	...	...	...	...	...
Dutchess	1	...	...	...	...	...	...	1	...
Erie	189	127	20	3	6	5	3	1	24
Essex	7	...	7	...	...	...	...	...	...
Franklin	8	4	1	...	...	...	...	...	3
Fulton	11	5	4	...	...	1	...	...	1
Genesee	20	2	11	5	...	...	...	...	2
Greene	...	...	...	...	...	...	...	...	...
Hamilton	1	...	...	...	...	...	...	...	1
Herkimer	14	13	1	...	...	...	...	...	...
Jefferson	15	11	1	1	...	...	2	...	...
Lewis	2	1	1	...	...	...	...	...	...
Livingston	3	2	...	1	...	...	...	...	...
Madison	10	2	3	...	...	...	...	...	5
Monroe	199	135	30	7	10	2	...	1	14
Montgomery	1	...	...	...	...	...	...	1	...
Nassau	108	5	37	13	15	12	1	8	17
Niagara	8	7	...	...	...	...	...	...	1
Oneida	38	6	23	4	...	...	...	1	4
Onondaga	115	52	13	23	2	3	3	2	17
Ontario	32	23	1	1	3	1	...	3	...
Orange	5	5	...	...	...	...	...	...	...
Orleans	5	1	3	...	...	...	...	...	1
Oswego	7	6	1	...	...	...	...	...	...
Otsego	12	8	4	...	...	...	...	...	...
Putman	4	1	...	...	...	...	...	3	...
Rensselaer	30	6	7	...	...	...	...	...	17
Rockland	27	16	2	5	...	...	...	2	
St. Lawrence	2	2	...	...	...	...	...	...	...
Saratoga	12	6	2	...	...	...	1	...	3
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	4	4	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	5	1	4	...	...	...	...	...	...
Steuben	3	2	...	...	...	...	...	..	1
Suffolk	4	1	1	...	...	1	...	...	1
Sullivan	9	4	...	...	...	...	...	...	5
Tioga	10	...	3	4	...	...	...	...	3
Tompkins	6	...	1	1	1	...	...	...	3
Ulster	21	6	5	...	...	...	...	...	10
Warren	8	4	...	...	...	...	...	...	4
Washington	2	1	...	...	...	...	...	...	1
Wayne	27	9	1	9	2	4	...	...	2
Westchester	12	7	3	...	1	...	...	...	1
Wyoming	6	6	...	...	...	...	...	...	...
Yates	5	...	...	...	...	...	...	...	5

*Disposed before fact-finding

Table A-34
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Dispositions In Child Abuse Parts
1986

Location	Total	Disposed in Child Abuse Part	Disposed in Other Part
Total New York State	2,420	1,472	948
Total New York City	1,180	1,037	143
New York	143	135	8
Kings	511	502	9
Queens	219	189	30
Bronx	275	211	64
Richmond	32	...	32
Total Upstate	1,240	435	805
Albany	68	36	32
Allegany	2	2	...
Broome	43	26	17
Cattaraugus	12	1	11
Cayuga	...	...	...
Chautauqua	25	...	25
Chemung	36	...	36
Chenango	...	...	...
Clinton	17	2	15
Columbia	5	...	5
Cortland	4	1	3
Delaware	20	...	20
Dutchess	1	1	...
Erie	189	188	1
Essex	7	...	7
Franklin	8	...	8
Fulton	11	1	10
Genesee	20	9	11
Greene	...	...	...
Hamilton	1	...	1
Herkimer	14	...	14
Jefferson	15	...	15
Lewis	2	...	2
Livingston	3	2	1
Madison	10	9	1
Monroe	199	36	163
Montgomery	1	...	1
Nassau	108	6	102
Niagara	8	2	6
Oneida	38	3	35
Onondaga	115	4	111
Ontario	32	...	32
Orange	5	3	2
Orleans	5	...	5
Oswego	7	...	7
Otsego	12	2	10
Putman	4	4	...
Rensselaer	30	29	1
Schoharie	4	...	4
Schuyler	...	...	...
Seneca	5	...	5
Steuben	3	1	2
Suffolk	4	1	3
Sullivan	9	9	...
Tioga	10	5	5
Tompkins	6	2	4
Ulster	21	17	4
Warren	8	1	7
Washington	2	...	2
Wayne	27	8	19
Westchester	12	8	4
Wyoming	6	5	1
Yates	5	...	5

Table A-35
FAMILY COURT
Child Protective Petitions:
Orders Extending Placement
1986

Placement	Total Orders Extdg. Plcmt.	1st Order Extdg. Plcmt.	2nd Order Extdg. Plcmt.	3rd Order Extdg. Plcmt.	4th or More Order Extdg. Plcmt.
New York State					
Redl., Suitable Person	62	28	15	9	10
Comm. Social Service	2,998	1,294	703	343	658
Other Auth. Agency	14	9	3	...	2
Total	3,074	1,331	721	352	670
New York City					
Rel., Suitable Person	10	2	3	2	3
Comm. Social Service	1,562	746	374	169	273
Other Auth. Agency	7	3	2	...	2
Total	1,579	751	379	171	278
Outside New York City					
Rel., Suitable Person	52	26	12	7	7
Comm. Social Service	1,436	548	329	174	385
Other Auth. Agency	7	6	1	...	...
Total	1,495	580	342	181	392

This table only includes those 110 forms where petition type (Section F) is code 4 - Child Protective.

Table A-36
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Days From Filing Petition To Completion Of Fact-Finding Hearing
1986

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	9,082	1,026	543	386	527	1,832	895	298	30	11	3,534
Total New York City	3,508	372	83	49	59	725	550	197	15	5	1,453
New York	1,087	144	23	11	23	215	123	26	6	4	512
Kings	1,136	77	21	19	15	176	238	115	5	...	470
Queens	578	65	20	8	6	170	96	32	1	1	179
Bronx	555	64	15	6	10	122	76	23	3	...	236
Richmond	152	22	4	5	5	42	17	1	...	...	56
Total Upstate	5,574	654	460	337	468	1,107	345	101	15	6	2,081
Albany	390	43	15	47	54	111	14	3	...	...	103
Allegany	5	1	...	1	...	2	...	...	...	...	1
Broome	192	30	40	21	17	46	6	1	...	...	31
Cattaraugus	54	2	5	1	5	9	1	...	...	...	31
Cayuga	3	...	3	...	...	...	...	...	...	...	...
Chautauqua	91	8	1	6	19	27	9	...	1	...	20
Chemung	143	3	20	37	45	26	2	...	...	...	10
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	26	6	5	3	5	3	...	...	...	...	4
Columbia	24	1	3	...	...	8	3	...	...	...	9
Cortland	26	2	3	3	1	10	3	...	...	...	4
Delaware	9	...	2	...	...	5	1	...	...	...	1
Dutchess	62	9	18	4	6	7	1	1	1	...	15
Erie	499	73	34	14	13	77	32	8	...	...	248
Essex	24	1	7	2	...	5	2	...	...	...	7
Franklin	35	2	17	...	...	3	1	...	...	...	12
Fulton	13	3	2	2	...	1	3	...	...	...	2
Genesee	45	2	1	7	6	7	4	1	...	...	17
Greene	16	1	1	2	1	3	...	1	...	...	7
Hamilton	1	1	...	...	...	...	...	...	...	...	...
Herkimer	26	...	1	...	1	11	6	2	...	...	5
Jefferson	86	8	11	6	5	13	1	...	...	...	42
Lewis	2	...	...	2	...	...	...	...	...	...	...
Livingston	7	...	...	...	1	4	...	...	...	...	2
Madison	22	2	...	3	...	10	1	...	...	...	6
Monroe	452	39	36	23	24	94	22	1	...	...	213
Montgomery	16	1	...	2	3	7	3	...	...	...	...
Nassau	714	200	44	20	116	103	49	24	5	1	152
Niagara	106	16	13	13	11	15	6	...	...	..	32
Oneida	114	17	20	5	9	31	5	1	...	...	26
Onondaga	518	19	22	4	4	68	18	11	1	1	370
Ontario	41	4	2	1	10	6	7	4	...	...	7
Orange	141	2	17	1	7	53	14	3	...	...	44
Orleans	3	1	...	...	...	2	...	...	...	...	...
Oswego	45	...	...	1	5	21	6	...	...	...	12
Otsego	12	2	...	1	...	4	2	...	...	...	3
Putnam	39	1	7	...	4	4	2	1	...	...	20
Rensselaer	156	6	1	...	4	30	14	3	...	...	98
Rockland	105	14	1	3	11	27	7	6	2	3	31
St. Lawrence	33	5	4	...	1	13	3	...	...	...	7
Saratoga	184	19	17	33	22	45	11	...	...	...	37
Schenectady	1	...	...	...	...	1	...	...	...	...	...
Schoharie	4	...	3	...	...	1	...	...	...	...	...
Schuyler	10	1	...	...	1	1	1	...	...	...	6
Seneca	8	...	...	...	...	3	1	...	...	...	4
Steuben	65	3	2	3	5	16	11	2	...	...	23
Suffolk	297	13	15	25	5	35	14	3	...	...	187
Sullivan	83	2	2	7	8	21	10	3	...	...	30
Tioga	29	6	2	4	3	5	2	...	...	...	7
Tompkins	36	2	4	...	1	7	2	2	...	...	18
Ulster	138	10	1	5	9	33	18	4	1	...	57
Warren	68	20	11	2	5	11	...	...	...	...	19
Washington	69	28	10	1	2	7	...	...	...	...	21
Wayne	78	3	3	4	8	17	8	5	...	...	28
Westchester	183	19	32	13	7	30	18	11	4	1	48
Wyoming	15	1	1	4	3	4	...	...	...	...	2
Yates	10	...	1	1	1	4	1	...	...	...	2

*Disposed before fact-finding

Table A-37
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Days From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1986

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	9,082	1,291	182	207	264	2,198	679	648	57	22	3,534
Total New York City	3,508	505	67	82	92	713	308	260	20	8	1,453
New York	1,087	127	21	27	41	226	80	38	8	7	512
Kings	1,136	146	15	13	11	182	103	187	8	1	470
Queens	578	119	17	16	14	159	61	10	3	...	179
Bronx	555	91	12	23	25	107	46	14	1	...	236
Richmond	152	22	2	3	1	39	18	11	...	...	56
Total Upstate	5,574	786	115	125	172	1,485	371	388	37	14	2,081
Albany	390	31	12	12	23	159	44	6	...	...	103
Allegany	5	2	...	...	1	1	...	...	...	...	1
Broome	192	29	3	38	26	58	7	...	...	...	31
Cattaraugus	54	2	3	...	1	17	...	...	...	...	31
Cayuga	3	...	...	...	1	2	...	...	...	...	..
Chautauqua	91	12	4	1	13	24	5	11	1	...	20
Chemung	143	15	1	4	6	99	8	...	...	...	10
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	26	7	1	1	8	3	...	2	...	...	4
Columbia	24	8	...	4	1	1	1	...	...	...	9
Cortland	26	5	1	1	...	9	4	1	1	...	4
Delaware	9	2	...	...	...	4	2	...	...	...	1
Dutchess	62	9	1	...	...	20	6	9	2	...	15
Erie	499	66	6	...	3	47	22	100	4	3	248
Essex	24	3	1	...	...	5	3	5	...	...	7
Franklin	35	1	...	...	1	8	6	7	...	...	12
Fulton	13	2	1	1	...	7	...	...	...	...	2
Genesee	45	4	...	...	9	8	1	6	...	...	17
Greene	16	3	1	...	...	5	...	...	...	...	7
Hamilton	1	...	...	...	1	...	...	...	...	...	...
Herkimer	26	4	...	...	...	7	7	3	...	...	5
Jefferson	86	31	4	3	...	2	2	2	...	...	42
Lewis	2	...	...	...	...	2	...	...	...	...	...
Livingston	7	2	1	...	...	1	1	...	...	...	2
Madison	22	2	1	1	...	11	1	...	...	...	6
Monroe	452	14	7	3	16	157	16	24	2	...	213
Montgomery	16	1	...	...	...	15	...	...	...	...	...
Nassau	714	180	8	4	8	272	80	10	...	...	152
Niagara	106	26	10	8	3	12	8	6	1	...	32
Oneida	114	12	9	6	8	50	2	1	...	...	26
Onondaga	518	13	4	2	5	71	3	49	...	1	370
Ontario	41	13	...	...	1	8	5	7	...	...	7
Orange	141	11	5	2	3	61	6	2	1	6	44
Orleans	3	...	...	...	1	1	1	...	...	...	...
Oswego	45	7	...	...	3	20	3	...	...	...	12
Otsego	12	2	...	...	1	5	1	...	...	...	3
Putman	39	4	...	...	2	6	3	4	...	...	20
Rensselaer	156	24	1	1	...	25	6	1	...	...	98
Rockland	105	22	...	5	2	15	10	13	5	2	31
St. Lawrence	33	3	...	...	1	19	3	...	...	...	7
Saratoga	184	30	4	7	3	44	7	49	3	...	37
Schenectady	1	1	...	...	...	...	...	...	...	...	...
Schoharie	4	...	...	...	...	...	4	...	...	...	...
Schuyler	10	2	1	...	...	1	...	...	...	...	6
Seneca	8	1	...	...	...	3	...	...	...	...	4
Steuben	65	6	2	4	...	16	4	9	1	...	23
Suffolk	297	24	2	9	7	34	5	15	14	...	187
Sullivan	83	34	1	...	3	14	1	...	...	...	30
Tioga	29	4	...	...	...	3	13	2	...	...	7
Tompkins	36	3	...	1	...	8	5	1	...	...	18
Ulster	138	13	7	...	...	31	28	2	...	...	57
Warren	68	14	3	1	4	17	5	5	...	...	19
Washington	69	38	...	2	1	4	1	2	...	...	21
Wayne	78	10	...	1	2	18	10	9	...	...	28
Westchester	183	32	10	2	1	45	19	22	2	2	48
Wyoming	15	1	...	1	3	6	...	2	...	...	2
Yates	10	1	...	...	...	4	2	1	...	...	2

*Disposed before fact-finding

Table A-38
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Outcome Of Fact-Finding
1986

Location	Total	Allegation Established in Whole or in Part After Fact-Finding Hearing	Allegation Established in Whole or In Part By Admission	Allegation Not Established After Fact-Finding Hearing	Not Applicable*	Not Applicable JO Removed For Disposition Only
Total New York State	9,082	547	4,669	327	3,539	...
Total New York City	3,508	265	1,724	63	1,456	...
New York	1,087	99	451	23	514	...
Kings	1,136	46	602	17	471	...
Queens	578	73	315	11	179	...
Bronx	555	38	277	4	236	...
Richmond	152	9	79	8	56	...
Total Upstate	5,574	282	2,945	264	2,083	...
Albany	390	1	286	...	103	...
Allegany	5	...	2	2	1	...
Broome	192	33	100	28	31	...
Cattaraugus	54	1	22	...	31	...
Cayuga	3	...	3	...	...	...
Chautauqua	91	...	64	7	20	...
Chemung	143	2	122	9	10	...
Chenango	...	...	...	...	...	...
Clinton	26	1	20	1	4	...
Columbia	24	4	11	...	9	...
Cortland	26	...	22	...	4	...
Delaware	9	1	3	4	1	...
Dutchess	62	1	42	4	15	...
Erie	499	32	193	26	248	...
Essex	24	1	16	...	7	...
Franklin	35	...	20	3	12	...
Fulton	13	...	11	...	2	...
Genesee	45	1	26	1	17	...
Greene	16	...	9	...	7	...
Hamilton	1	...	1	...	...	...
Herkimer	26	6	15	...	5	...
Jefferson	86	2	39	3	42	...
Lewis	2	...	2	...	...	...
Livingston	7	...	5	...	2	...
Madison	22	1	12	2	7	...
Monroe	452	51	184	4	213	...
Montgomery	16	3	13	...	...	...
Nassau	714	17	499	47	152	...
Niagara	106	10	54	10	32	...
Oneida	114	9	73	6	26	...
Onondaga	518	7	136	4	371	...
Ontario	41	13	19	2	7	...
Orange	141	4	86	7	44	...
Orleans	3	1	2	...	...	...
Oswego	45	5	27	1	12	...
Otsego	12	2	7	...	3	...
Putman	39	2	14	3	20	...
Rensselaer	156	4	41	13	98	...
Rockland	105	8	62	4	31	...
St. Lawrence	33	3	21	2	7	...
Saratoga	184	5	137	5	37	...
Schenectady	1	...	1	...	...	...
Schoharie	4	...	4	...	...	...
Schuyler	10	...	4	...	6	...
Seneca	8	...	3	1	4	...
Steuben	65	1	35	6	23	...
Suffolk	297	23	51	36	187	...
Sullivan	83	4	47	2	30	...
Tioga	29	1	20	1	7	...
Tompkins	36	2	16	...	18	...
Ulster	138	2	79	...	57	...
Warren	68	1	48	...	19	...
Washington	69	4	43	1	21	...
Wayne	78	2	37	11	28	...
Westchester	183	8	122	5	48	...
Wyoming	15	2	8	3	2	...
Yates	10	1	7	...	2	...

Table A-39
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Duration Of Probation
1986

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	9,082	7,029	1,134	167	752
Total New York City	3,508	2,857	462	88	101
New York	1,087	927	130	10	20
Kings	1,136	911	169	17	39
Queens	578	436	78	42	22
Bronx	555	467	66	15	7
Richmond	152	116	19	4	13
Total Upstate	5,574	4,172	672	79	651
Albany	390	296	86	1	7
Allegany	5	4	...	1	...
Broome	192	129	50	6	7
Cattaraugus	54	39	5	...	10
Cayuga	3	2	...	...	1
Chautauqua	91	63	23	5	...
Chemung	143	86	7	...	50
Chenango	...	...	...	...	...
Clinton	26	21	3	...	2
Columbia	24	15	4	1	4
Cortland	26	20	5	...	1
Delaware	9	8	1	...	...
Dutchess	62	46	11	4	1
Erie	499	417	78	...	4
Essex	24	19	2	...	3
Franklin	35	24	7	4	...
Fulton	13	9	...	...	4
Genesee	45	31	14	...	...
Greene	16	11	4	...	1
Hamilton	1	...	1	...	...
Herkimer	26	18	5	2	1
Jefferson	86	56	29	...	1
Lewis	2	...	2	...	...
Livingston	7	4	1	...	2
Madison	22	17	4	1	...
Monroe	452	359	17	1	75
Montgomery	16	5	9	...	2
Nassau	714	466	3	...	245
Niagara	106	83	20	1	2
Oneida	114	74	32	6	2
Onondaga	518	478	37	...	3
Ontario	41	26	2	...	13
Orange	141	97	2	...	42
Orleans	3	3	...	...	...
Oswego	45	19	...	...	26
Otsego	12	7	1	...	4
Putman	39	28	1	1	9
Rensselaer	156	129	2	...	25
Rockland	105	77	3	...	25
St. Lawrence	33	15	11	2	5
Saratoga	184	140	44	...	...
Schenectady	1	1	...	...	...
Schoharie	4	...	1	...	3
Schuyler	10	7	...	...	3
Seneca	8	5	3	...	...
Steuben	65	45	3	1	16
Suffolk	297	258	26	10	3
Sullivan	83	59	9	15	...
Tioga	29	19	1	...	9
Tompkins	36	26	3	...	7
Ulster	138	103	34	1	...
Warren	68	60	3	3	2
Washington	69	46	8	3	12
Wayne	78	52	16	...	10
Westchester	183	140	32	3	8
Wyoming	15	7	5	3	...
Yates	10	3	2	4	1

Table A-40
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Breakdown Of Dispositions (Allegations Not Established)
1986

Location	Total	Dispositions—Allegations Not Established								Total Dispositions-Allegations Established
		Withdrawn	Consolidated	Change of venue	Found Incapacitated	Dismissed in Furtherance of Justice	Dismissed After Fact-Finding Hearing	ACD	Other Dismissal	
Total New York State	9,082	1,169	79	256	2	228	140	2,092	1,034	4,082
Total New York City	3,508	794	6	2	2	73	52	603	429	1,547
New York	1,087	290	2	...	1	46	16	124	153	455
Kings	1,136	286	...	2	...	9	17	241	113	468
Queens	578	79	...	...	...	5	12	122	57	303
Bronx	555	125	4	...	1	6	5	83	86	245
Richmond	152	14	...	...	...	7	2	33	20	76
Total Upstate	5,574	375	73	254	...	155	88	1,489	605	2,535
Albany	390	2	7	24	...	12	...	91	46	208
Allegany	5	...	...	...	...	1	1	...	1	2
Broome	192	1	...	3	...	...	3	72	12	101
Cattaraugus	54	9	...	...	...	...	...	18	3	24
Cayuga	3	...	...	...	...	...	...	...	...	3
Chautauqua	91	5	...	9	...	2	...	10	18	47
Chemung	143	1	13	8	...	...	3	4	2	112
Chenango	...	...	...	...	...	...	...	...	...	...
Clinton	26	5	...	...	...	...	...	2	...	19
Columbia	24	2	...	1	...	2	1	4	...	14
Cortland	26	...	...	3	...	1	...	5	1	16
Delaware	9	...	...	...	...	2	1	2	2	2
Dutchess	62	5	9	2	...	1	...	15	1	29
Erie	499	7	...	2	...	2	5	200	147	136
Essex	24	3	...	1	...	...	...	6	3	11
Franklin	35	3	...	...	...	...	1	15	1	15
Fulton	13	2	...	...	...	...	...	...	...	11
Genesee	45	3	...	...	...	1	1	5	11	24
Greene	16	...	1	...	...	1	...	...	5	9
Hamilton	1	...	...	...	...	...	...	...	...	1
Herkimer	26	1	...	1	...	1	...	5	...	18
Jefferson	86	4	25	2	...	...	1	11	2	41
Lewis	2	...	...	...	...	...	...	...	...	2
Livingston	7	...	2	...	...	...	...	...	...	5
Madison	22	...	...	...	...	2	1	2	4	13
Monroe	452	23	...	2	...	2	...	152	60	213
Montgomery	16	...	...	...	...	...	...	...	...	16
Nassau	714	1	...	134	...	4	20	70	88	397
Niagara	106	5	...	...	...	1	1	26	8	65
Oneida	114	9	...	1	...	8	6	5	4	81
Onondaga	518	28	...	4	...	9	1	341	44	91
Ontario	41	6	...	1	...	...	1	7	...	26
Orange	141	3	2	4	...	28	...	21	5	78
Orleans	3	...	...	...	...	...	...	...	...	3
Oswego	45	7	...	3	...	...	1	...	3	31
Otsego	12	...	...	2	...	...	...	...	1	9
Putman	39	4	...	1	...	6	1	14	...	13
Rensselaer	156	7	3	4	...	1	13	70	15	43
Rockland	105	9	1	6	...	...	1	30	10	48
St. Lawrence	33	2	...	...	...	1	1	2	3	24
Saratoga	184	9	...	17	...	6	6	69	9	68
Schenectady	1	...	...	...	...	...	...	...	...	1
Schoharie	4	...	...	...	...	...	...	...	...	4
Schuyler	10	2	...	...	...	...	...	4	...	4
Seneca	8	...	1	...	...	...	...	2	2	3
Steuben	65	4	...	...	...	2	1	16	17	25
Suffolk	297	114	2	2	...	24	6	34	41	74
Sullivan	83	5	1	1	...	7	3	32	2	32
Tioga	29	2	...	2	...	1	1	3	3	17
Tompkins	36	1	...	2	...	1	...	7	8	17
Ulster	138	32	...	1	...	3	1	20	8	73
Warren	68	5	2	6	...	1	...	12	2	40
Washington	69	12	...	2	...	...	1	10	...	44
Wayne	78	10	...	...	...	14	2	13	3	36
Westchester	183	20	4	3	...	8	2	58	10	78
Wyoming	15	1	...	...	...	...	1	3	...	10
Yates	10	1	...	...	...	...	...	1	...	8

Table A-41
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Breakdown Of Dispositions (Allegations Established)
1986

Location	Total	Placement										
		Condi-tional Discharge	Proba-tion	Home, Relative, Private Person	Comm. Social Services	DFY Title II	DFY Title III	DFY 60 Day Option	DFY 6 Month Resid.	Soc. Serv. Trans. to Mental Hygiene	DFY DFY to Mental Hygiene	Other Place-ment
Total New York State	4,082	413	2,053	9	322	513	684	31	8	2	7	40
Total New York City	1,547	150	651	1	21	389	296	2	6	...	5	26
New York	455	55	160	1	8	145	82	...	...	...	1	3
Kings	468	56	225	...	6	84	69	1	4	...	...	23
Queens	303	11	142	...	4	93	49	...	2	...	2	...
Bronx	245	20	88	...	2	55	77	1	...	...	2	...
Richmond	76	8	36	...	1	12	19	...	...	...	...	...
Total Upstate	2,535	263	1,402	8	301	124	388	29	2	2	2	14
Albany	208	16	94	2	31	1	62	1	...	1	...	...
Allegany	2	...	1	...	1	...	...	...	...	...	...	...
Broome	101	8	63	...	19	...	10	...	...	...	...	1
Cattaraugus	24	...	15	...	3	...	6	...	...	...	...	...
Cayuga	3	...	1	...	1	...	1	...	...	...	...	...
Chautauqua	47	2	28	...	6	...	11	...	...	...	...	...
Chemung	112	26	57	...	16	2	11	...	...	...	...	...
Chenangu	...	...	...	...	...	...	...	...	...	...	...	...
Clinton	19	...	5	...	3	...	7	...	...	...	...	4
Columbia	14	...	9	...	...	...	5	...	...	...	...	...
Cortland	16	1	6	1	...	4	4	...	...	...	...	...
Delaware	2	1	1	...	...	...	...	...	...	...	...	...
Dutchess	29	...	16	...	9	1	1	2	...	...	...	...
Erie	136	8	82	...	23	7	16	...	...	...	...	...
Essex	11	...	5	...	5	...	1	...	...	...	...	...
Franklin	15	...	11	...	1	...	3	...	...	...	...	...
Fulton	11	...	4	...	3	...	4	...	...	...	...	...
Genesee	24	1	14	...	7	...	2	...	...	...	...	...
Greene	9	2	5	...	...	...	2	...	...	...	...	...
Hamilton	1	...	1	...	...	...	...	...	...	...	...	...
Herkimer	18	1	8	...	1	4	4	...	...	...	...	...
Jefferson	41	...	30	...	5	...	6	...	...	...	...	...
Lewis	2	...	2	...	...	...	...	...	...	...	...	...
Livingston	5	...	3	...	1	1	...	...	...	...	...	...
Madison	13	...	5	...	5	...	3	...	...	...	...	...
Monroe	213	23	93	...	22	9	57	...	...	...	1	8
Montgomery	16	3	11	...	1	...	1	...	...	...	...	...
Nassau	397	80	248	...	1	34	34	...	...	...	...	...
Niagara	65	2	23	...	8	3	28	1	...	...	...	...
Oneida	81	...	40	...	6	25	5	5	...	...	...	...
Onondaga	91	9	40	1	23	...	18	...	...	...	...	...
Ontario	26	4	15	...	4	2	1	...	...	...	...	...
Orange	78	5	44	...	11	2	15	...	...	...	...	1
Orleans	3	...	...	...	1	2	...	...	...	...	...	...
Oswego	31	5	26	...	...	...	...	...	...	...	...	...
Otsego	9	...	5	2	...	...	2	...	...	...	...	...
Putman	13	...	11	...	2	...	...	...	...	...	...	...
Rensselaer	43	8	27	...	4	1	3	...	...	...	...	...
Rockland	48	4	28	...	6	2	4	1	2	...	1	...
St. Lawrence	24	...	18	...	3	...	3	...	...	...	...	...
Saratoga	68	...	44	...	14	1	9	...	...	...	...	...
Schenectady	1	...	...	...	...	...	1	...	...	...	...	...
Schoharie	4	...	4	...	...	...	...	...	...	...	...	...
Schuyler	4	...	3	...	...	1	...	...	...	...	...	...
Seneca	3	...	3	...	...	...	...	...	...	...	...	...
Steuben	25	...	20	...	3	1	1	...	...	...	...	...
Suffolk	74	21	39	1	8	...	4	...	...	1	...	...
Sullivan	32	...	24	...	4	4	...	...	...	...	...	...
Tioga	17	...	10	...	1	5	1	...	...	...	...	...
Tompkins	17	2	10	...	5	...	...	...	...	...	...	...
Ulster	73	7	35	...	6	4	2	19	...	...	...	...
Warren	40	16	8	...	10	2	4	...	...	...	...	...
Washington	44	5	23	...	6	...	10	...	...	...	...	...
Wayne	36	1	26	...	2	5	2	...	...	...	...	...
Westchester	78	2	43	1	10	...	22	...	...	...	...	...
Wyoming	10	...	8	...	...	...	2	...	...	...	...	...
Yates	8	...	7	...	...	1	...	...	...	...	...	...

Table A-42
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Crimes Alleged In Petitions:
1986

	Total New York State	Total New York City	Total Upstate
Felonies			
Assault or Related Offenses	587	361	226
Homicide	18	10	8
Criminal Trespass/Burglary	1,656	484	1,172
Criminal Mischief/Tamp.	629	278	351
Grand Larceny	2,039	1,330	709
Robbery	908	759	149
Crim. Poss. Stolen Property	969	696	273
Controlled Substance Offense	142	133	9
Marijuana Possession/Sale	16	10	6
Weapon Offenses	137	104	33
Other Felonies	501	175	326
Misdemeanors			
Assault or Related Offenses	1,008	436	572
Crim. Trespass/Burg. or Rel. Offenses	719	379	340
Crim. Mischief/Tamp./Reck. End. Prep.	1,215	542	673
Petit Larceny	1,822	442	1,380
Theft & Related Offenses	1,349	789	560
Controlled substance Offenses	133	113	20
Marijuana Possession/Sale	56	33	23
Riot/Harass./Loitering	92	22	70
Unlawful Possession Weapon	123	60	63
Weapon Offenses	254	201	53
Other Misdemeanors	527	207	320

NOTE: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-43
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Crimes Found To Have Been Committed
1986

	Total New York State	Total New York City	Total Upstate
Felonies			
Assault or Related Offense	150	70	80
Homicide	10	5	5
Criminal Trespass/Burglary	618	105	513
Criminal Mischief/Tamp.	177	40	137
Grand Larceny	573	288	285
Robbery	174	122	52
Crim. Poss. Stolen Property	196	101	95
Controlled Substance Offense	36	34	2
Marijuana Possession/Sale	5	2	3
Weapon Offenses	46	35	11
Other Felonies	208	64	144
Misdemeanors			
Assault or Related Offenses	387	118	269
Crim. Trespass/Burg. or Rel. Offenses	459	198	261
Crim. Mischief/Tamp./Reck. End. Prep.	549	136	413
Petit Larceny	1,106	225	881
Theft & Related Offenses	743	392	351
Controlled Substance Offenses	79	65	14
Marijuana Possession/Sale	36	23	13
Riot/Harass./Loitering	42	2	40
Unlawful Possession Weapon	67	23	44
Weapon Offenses	90	66	24
Other Misdemeanors	327	114	213
Allegation not Established	3,703	1,474	2,229

NOTE: The number of crimes found to have been committed exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-44
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Co-Respondent In Each Petition
1986

Location	Total	None	1	2	3	4 or More
Total New York State	9,082	5,781	1,754	910	378	259
Total New York City	3,508	2,470	564	281	112	81
New York	1,087	824	134	75	31	23
Kings	1,136	817	181	74	37	27
Queens	578	392	109	55	16	6
Bronx	555	337	115	55	23	25
Richmond	152	100	25	22	5	...
Total Upstate	5,574	3,311	1,190	629	266	178
Albany	390	188	99	68	24	11
Allegany	5	3	1	1	...	...
Brooms	192	129	34	18	4	7
Cattaraugus	54	34	14	3	2	1
Cayuga	3	3	...	...	...	...
Chautauqua	91	39	30	14	3	5
Chemung	143	69	40	13	10	11
Chenango	...	...	...	...	...	...
Clinton	26	15	9	2	...	...
Columbia	24	12	8	3	1	...
Cortland	26	12	8	4	1	1
Delaware	9	9	...	...	...	...
Dutchess	62	52	8	2	...	...
Erie	499	321	100	43	25	10
Essex	24	15	5	4	...	...
Franklin	35	20	14	1	...	...
Fulton	13	7	5	...	1	...
Genesee	45	25	8	10	2	...
Greene	16	7	5	4	...	...
Hamilton	1	...	1	...	...	...
Herkimer	26	18	2	4	1	1
Jefferson	86	50	12	20	2	2
Lewis	2	...	2	...	...	...
Livingston	7	7	...	...	...	...
Madison	22	7	7	3	4	1
Monroe	452	244	112	48	20	28
Montgomery	16	10	2	1	2	1
Nassau	714	483	106	73	29	23
Niagara	106	49	30	17	10	...
Oneida	114	81	22	9	1	1
Onondaga	518	337	120	36	14	11
Ontario	41	19	12	5	1	4
Orange	141	69	29	23	13	7
Orleans	3	1	1	1	...	...
Oswego	45	38	6	1	...	...
Otsego	12	5	4	2	1	...
Putman	39	15	12	4	8	...
Rensselaer	156	81	35	26	11	3
Rockland	105	77	16	9	1	2
St. Lawrence	33	23	1	5	2	2
Saratoga	184	84	57	25	13	5
Schenectady	1	1	...	...	...	...
Schoharie	4	3	1	...	...	...
Schuyler	10	6	2	2	...	...
Seneca	8	...	2	3	...	3
Steuben	65	41	10	9	...	5
Suffolk	297	190	60	34	11	2
Sullivan	83	54	5	7	7	10
Tioga	29	14	9	2	4	...
Tompkins	36	24	7	3	2	...
Ulster	138	72	19	21	17	9
Warren	68	32	23	5	8	...
Washington	69	51	10	8	...	...
Wayne	78	55	10	2	6	5
Westchester	183	94	50	30	3	6
Wyoming	15	7	4	1	2	1
Yates	10	9	1	...	...	...

Table A-45
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Age Of Alleged Victims By Crime Alleged
1986

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total New York State									
Felonies									
Assault or Related Offenses	2,935	13	64	18	1	2	159	358	2,320
Homicide	60	1	1	...	...	...	6	4	48
Criminal Trespass/Burglary	8,235	3	20	89	38	7	1,081	488	6,509
Criminal Mischief/Tamp.	1,980	...	3	10	3	...	275	117	1,572
Grand Larceny	7,065	6	22	32	15	5	623	726	5,636
Robbery	1,290	9	35	6	2	2	93	117	1,026
Crim. Poss. Stolen Property	1,445	...	5	17	11	2	156	106	1,148
Controlled Substance Offense	690	...	...	...	...	...	111	27	552
Marijuana Possession/Sale	55	...	1	...	...	...	5	5	44
Weapon Offenses	440	1	...	1	...	...	68	21	349
Other Felonies	1,900	101	41	7	1	1	110	131	1,508
Misdemeanors									
Assault or Related Offenses	3,375	33	177	57	13	2	160	271	2,662
Crim. Trespass/Burg. or Rel. Offenses	1,895	...	7	8	6	1	296	65	1,512
Crim. Mischief/Tamp./Reck. End. Prep.	3,435	3	6	10	11	1	516	161	2,727
Petit Larceny	5,780	12	30	28	17	4	912	174	4,603
Theft & Related Offenses	2,410	1	13	34	15	...	276	153	1,918
Controlled Substance Offenses	320	1	...	...	...	...	58	5	256
Marijuana Possession/Sale	215	...	...	...	...	...	37	6	172
Riot/Harass./Loitering	355	...	2	7	1	...	45	18	282
Unlawful Possession Weapon	240	1	5	1	...	...	37	5	191
Weapon Offenses	185	...	...	1	...	...	29	7	148
Other Misdemeanors	1,105	21	31	7	1	...	115	57	873
Total	45,410	206	463	333	135	27	5,168	3,022	36,056

Total New York City									
Felonies									
Assault or Related Offenses	1,805	1	4	2	...	1	101	262	1,434
Homicide	20	...	...	...	...	...	1	3	16
Criminal Trespass/Burglary	2,390	...	...	2	...	1	306	173	1,908
Criminal Mischief/Tamp.	815	...	...	...	...	...	106	59	650
Grand Larceny	4,980	1	5	2	...	1	375	618	3,978
Robbery	760	...	...	...	...	...	69	83	608
Crim. Poss. Stolen property	680	...	...	...	1	1	80	54	544
Controlled Substance Offense	645	...	...	...	...	...	102	27	516
Marijuana Possession/Sale	25	...	...	...	...	...	2	3	20
Weapon Offenses	315	...	...	...	...	...	51	12	252
Other Felonies	600	9	...	1	...	...	22	88	480
Misdemeanors									
Assault or Related Offenses	830	...	8	...	...	1	66	92	663
Crim. Trespass/Burg. or Rel. Offenses	650	...	...	...	...	...	108	22	520
Crim. Mischief/Tamp./Reck. End. Prep.	1,095	...	...	...	...	...	180	39	876
Petit Larceny	645	...	...	...	...	...	88	41	516
Theft & Related Offenses	515	...	...	1	...	...	69	33	412
Controlled Substance Offenses	230	...	...	...	...	...	41	5	184
Marijuana Possession/Sale	120	...	...	...	...	...	18	6	96
Riot/Harass./Lottering	35	...	...	...	...	...	4	3	28
Unlawful Possession Weapon	75	...	...	...	...	...	13	2	60
Weapon Offenses	115	...	...	...	...	...	16	7	92
Other Misdemeanors	195	...	...	...	...	...	21	18	156
Total	17,540	11	17	8	1	5	1,839	1,650	14,009

NOTE: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-46
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Age Of Alleged Victims by Crime Alleged
1986

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total Outside New York City									
Felonies									
Assault or Related Offenses	1,130	12	60	16	1	1	58	96	886
Homicide	40	1	1	...	...	...	5	1	32
Criminal Trespass/Burglary	5,845	3	20	87	38	6	775	315	4,601
Criminal Mischief/Tamp.	1,165	...	3	10	3	...	169	58	922
Grand Larceny	2,085	5	17	30	15	4	248	108	1,658
Robbery	530	9	35	6	2	2	24	34	418
Crim. Poss. Stolen Property	765	...	5	17	10	1	76	52	604
Controlled Substance Offense	45	...	...	...	...	...	9	...	36
Marijuana Possession/Sale	30	...	1	...	...	...	3	2	24
Weapon Offenses	125	1	...	1	...	...	17	9	97
Other Felonies	1,300	92	41	6	1	1	88	43	1028
Misdemeanors									
Assault or Related Offenses	2,545	33	169	57	13	1	94	179	1,999
Crim. Trespass/Burg. or Rel. Offenses	1,245	...	7	8	6	1	188	43	992
Crim. Mischief/Tamp./Reck. End. Prep.	2,340	3	6	10	11	1	336	122	1,851
Petit Larceny	5,135	12	30	28	17	4	824	133	4,087
Theft & Related Offenses	1,895	1	13	33	15	...	207	120	1,506
Controlled Substance Offenses	90	1	...	...	...	...	17	...	72
Marijuana Possession/Sale	95	...	...	...	...	...	19	...	76
Riot/Harass./Loitering	320	...	2	7	1	...	41	15	254
Unlawful Posession Weapon	165	1	5	1	...	...	24	3	131
Weapon Offenses	70	...	...	1	...	...	13	...	56
Other Misdemeanors	910	21	31	7	1	...	94	39	717
Total	27,870	195	446	325	134	22	3,329	1,372	22,047

*No Victims

NOTE: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-47
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Adjournments From Filing Petition To Completion Of Fact-Finding Hearing
1986

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	9,082	2,038	1,619	1,069	661	380	235	367	2,713
Total New York City	3,508	215	488	453	351	249	162	288	1,302
New York	1,087	81	176	118	101	54	30	76	451
Kings	1,136	53	94	111	109	125	88	126	430
Queens	578	35	99	111	61	37	25	47	163
Bronx	555	31	81	90	67	26	15	35	210
Richmond	152	15	38	23	13	7	4	4	48
Total Upstate	5,574	1,823	1,131	616	310	131	73	79	1,411
Albany	390	107	207	49	21	1	3	2	...
Allegany	5	...	3	1	1	...	...	...	...
Broome	192	124	27	11	7	1	1	...	21
Cattaraugus	54	20	6	1	...	...	...	...	27
Cayuga	3	3	...	...	...	...	...	...	...
Chautauqua	91	50	19	11	...	1	...	...	10
Chemung	143	125	13	2	2	1	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	26	23	2	...	...	...	...	...	1
Columbia	24	10	6	3	1	...	...	...	4
Cortland	26	17	8	...	...	1	...	...	...
Delaware	9	5	4	...	...	...	...	...	...
Dutchess	62	27	20	7	3	2	1	...	2
Erie	499	102	81	39	36	8	6	5	222
Essex	24	15	4	...	1	...	...	...	4
Franklin	35	19	4	1	...	...	...	...	11
Fulton	13	5	1	2	3	...	...	...	2
Genesee	45	...	17	6	1	3	2	1	15
Greene	16	6	2	2	1	...	...	...	5
Hamilton	1	1	...	...	...	...	...	...	...
Herkimer	26	6	13	5	...	...	...	...	2
Jefferson	86	43	7	15	4	...	...	...	17
Lewis	2	2	...	...	...	...	...	...	...
Livingston	7	...	1	4	...	...	...	...	2
Madison	22	7	6	2	...	...	...	1	6
Monroe	452	167	40	70	52	38	14	14	57
Montgomery	16	6	3	4	1	2	...	...	...
Nassau	714	174	160	158	53	25	15	27	102
Niagara	106	32	31	10	5	...	...	...	28
Oneida	114	30	21	13	17	5	1	2	25
Onondaga	518	35	38	42	27	6	10	10	350
Ontario	41	7	7	12	4	3	4	3	1
Orange	141	25	35	29	6	3	1	...	42
Orleans	3	1	1	...	1	...	...	...	...
Oswego	45	11	30	...	...	...	...	...	4
Otsego	12	6	2	...	...	...	...	...	4
Putman	39	24	3	3	...	1	...	1	7
Rensselaer	156	22	26	7	4	2	1	...	94
Rockland	105	32	35	9	11	2	...	3	13
St. Lawrence	33	9	14	4	3	...	...	...	3
Saratoga	184	105	28	16	3	4	...	...	28
Schenectady	1	...	...	1	...	...	...	...	...
Schoharie	4	1	3	...	...	...	...	...	...
Schuyler	10	2	1	1	...	...	...	...	6
Seneca	8	1	3	...	...	1	...	...	3
Steuben	65	27	15	5	3	1	...	1	13
Suffolk	297	82	45	17	11	5	7	...	130
Sullivan	83	67	7	1	...	...	...	...	8
Tioga	29	2	23	3	...	...	...	...	1
Tompkins	36	8	6	...	4	4	...	...	14
Ulster	138	65	19	8	5	...	...	...	41
Warren	68	31	13	5	1	...	...	...	18
Washington	69	44	6	1	...	...	...	...	18
Wayne	78	6	23	16	8	7	4	5	9
Westchester	183	68	38	18	10	4	3	4	38
Wyoming	15	10	3	1	...	...	...	...	1
Yates	10	6	1	1	...	...	...	...	2

*Disposed before fact-finding

Table A-48
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Adjournments From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1986

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	9,082	2,479	1,965	838	472	257	152	263	2,656
Total New York City	3,508	683	596	381	220	137	75	154	1,262
New York	1,087	174	177	109	53	51	28	61	434
Kings	1,136	238	195	95	62	44	26	48	428
Queens	578	133	112	93	53	18	7	17	145
Bronx	555	116	72	60	45	20	12	21	209
Richmond	152	22	40	24	7	4	2	7	46
Total Upstate	5,574	1,796	1,369	457	252	120	77	109	1,394
Albany	390	35	159	95	54	22	12	11	2
Allegany	5	...	3	2	...	...	...	...	...
Broome	192	130	24	9	4	6	2	...	17
Cattaraugus	54	3	23	2	...	...	1	...	25
Cayuga	3	...	3	...	...	...	...	...	...
Chautauqua	91	24	47	8	4	...	...	...	8
Chemung	143	131	10	2	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	26	15	9	...	...	...	...	...	2
Columbia	24	15	6	...	...	...	...	...	3
Cortland	26	17	7	...	1	...	...	...	1
Delaware	9	6	3	...	...	...	...	...	...
Dutchess	62	24	18	7	5	...	4	3	1
Erie	499	161	71	19	14	3	3	2	226
Essex	24	5	8	4	1	...	...	...	6
Franklin	35	3	17	6	...	...	...	...	9
Fulton	13	4	6	1	...	...	...	...	2
Genesee	45	7	16	1	4	...	2	...	15
Greene	16	7	4	1	...	...	...	...	4
Hamilton	1	1	...	...	...	...	...	...	...
Herkimer	26	8	13	4	...	...	...	...	1
Jefferson	86	42	16	1	2	...	...	...	25
Lewis	2	...	2	...	...	...	...	...	...
Livingston	7	2	2	...	1	...	...	...	2
Madison	22	10	4	...	...	1	...	...	7
Monroe	452	189	86	33	35	19	12	21	57
Montogmery	16	4	7	2	3	...	...	...	...
Nassau	714	208	206	55	35	27	18	44	121
Niagara	106	50	31	6	3	...	...	...	16
Oneida	114	14	45	19	6	2	...	1	27
Onondaga	518	59	63	21	19	9	6	7	334
Ontario	41	24	8	5	1	...	...	2	1
Orange	141	73	11	8	6	2	1	...	40
Orleans	3	...	2	1	...	...	...	...	...
Oswego	45	13	28	...	...	...	...	...	4
Otsego	12	8	2	...	...	...	...	...	2
Putman	39	5	21	4	1	1	...	...	7
Rensselaer	156	28	19	8	2	1	...	2	96
Rockland	105	38	30	13	2	5	2	3	12
St. Lawrence	33	24	3	2	1	...	...	...	3
Saratoga	184	41	64	34	6	8	3	2	26
Schenectady	1	...	...	1	...	...	...	...	...
Schoharie	4	...	4	...	...	...	...	...	...
Schuyler	10	2	2	...	...	...	...	...	6
Seneca	8	2	3	...	...	...	...	...	3
Steuben	65	22	25	4	4	...	...	...	10
Suffolk	297	61	51	27	18	9	6	6	119
Sullivan	83	71	1	...	...	...	...	...	11
Tioga	29	6	18	3	...	...	...	...	2
Tompkins	36	9	5	2	3	...	3	...	14
Ulster	138	42	44	11	1	...	...	...	40
Warren	68	16	19	10	4	...	...	1	18
Washington	69	40	10	...	...	...	...	...	19
Wayne	78	27	18	12	6	2	...	4	9
Westchester	183	67	55	13	6	3	2	...	37
Wyoming	15	2	11	...	...	...	...	...	2
Yates	10	1	6	1	...	...	...	...	2

*Disposed before fact-finding.

Table A-49
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Age Of Bosy When Act Committed
1986

Location	Total	7-9	10-12	13-15	15 or More
Total New York State	8,080	100	814	7,027	139
Total New York City	3,254	22	278	2,881	73
New York	977	7	89	835	46
Kings	1,061	9	107	939	6
Queens	541	2	27	502	10
Bronx	536	4	49	472	11
Richmond	139	...	6	133	...
Total Upstate	4,826	78	536	4,146	66
Albany	318	9	51	252	6
Allegany	4	...	2	2	...
Broome	172	3	29	138	2
Cattaraugus	59	1	7	42	...
Cayuga	2	...	1	1	...
Chautauqua	86	6	10	70	...
Chemung	116	7	13	96	...
Chenango	...	...	...	...	...
Clinton	26	...	...	26	...
Columbia	23	...	1	22	...
Cortland	24	...	1	18	5
Delaware	9	1	...	8	...
Dutchess	48	3	4	41	...
Erie	431	4	34	387	6
Essex	20	1	5	14	...
Franklin	29	...	4	25	...
Fulton	12	...	2	10	...
Genesee	40	...	4	36	...
Greene	14	1	2	9	2
Hamilton	1	...	...	1	...
Herkimer	24	...	...	24	...
Jefferson	76	2	8	65	1
Lewis	2	...	1	1	...
Livingston	5	1	1	3	...
Madison	18	...	2	16	...
Monroe	394	5	38	349	2
Montgomery	14	...	...	14	...
Nassau	807	3	41	548	15
Niagara	94	1	19	73	1
Oneida	98	2	8	88	...
Onondaga	454	3	67	382	2
Ontario	39	2	5	31	1
Orange	116	1	13	102	...
Orleans	3	...	...	3	...
Oswego	41	...	3	38	...
Otsego	11	...	...	11	...
Putnam	36	1	3	32	...
Rensselaer	142	2	22	117	1
Rockland	91	3	14	74	...
St. Lawrence	28	...	1	26	1
Saratoga	163	1	30	132	...
Schenectady	1	...	...	1	...
Schoharie	4	...	...	3	1
Schuyler	9	...	...	9	...
Seneca	8	...	2	6	...
Steuben	55	...	14	41	...
Suffolk	262	3	11	230	18
Sullivan	67	4	13	50	...
Tioga	23	3	1	19	...
Tompkins	33	...	8	25	...
Ulster	112	...	12	99	1
Warren	54	...	3	51	...
Washington	65	...	5	59	1
Wayne	66	4	5	57	...
Westchester	163	1	14	148	...
Wyoming	13	...	2	11	...
Yates	10	...	...	10	...

Table A-50
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Age Of Girls When Act Committed
1986

Location	Total	7-9	10-12	13-15	15 or More
Total New York State	1,114	6	86	1,004	18
Total New York City	345	1	21	313	10
New York	129	-	4	117	8
Kings	115	1	12	102	...
Queens	52	...	2	48	2
Bronx	24	...	2	32	...
Richmond	15	...	1	14	...
Total Upstate	769	5	65	691	8
Albany	72	...	10	61	1
Allegany	1	...	...	1	...
Broome	20	...	3	17	...
Cattaraugus	4	...	1	3	...
Cayuga	1	...	...	1	...
Chautauqua	5	...	...	5	...
Chemung	27	...	2	25	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	3	...	1	2	...
Cortland	2	...	...	1	1
Delaware	1	...	...	1	...
Dutchess	14	...	1	13	...
Erie	71	...	4	67	...
Essex	4	...	1	3	...
Franklin	6	...	1	5	...
Fulton	1	...	...	...	1
Genesee	5	...	...	5	...
Greene	2	...	...	2	...
Hamilton	...	...	...	...	...
Herkimer	2	...	...	2	...
Jefferson	10	...	3	7	...
Lewis	...	...	...	...	...
Livingston	2	...	...	2	...
Madison	4	...	...	4	...
Monroe	59	...	5	54	...
Montgomery	2	...	...	2	...
Nassau	110	...	10	99	1
Niagara	13	...	1	12	...
Oneida	17	...	...	17	...
Onondaga	67	...	2	64	1
Ontario	2	...	...	2	...
Orange	25	...	2	23	...
Orleans	...	...	...	...	...
Oswego	4	...	...	4	...
Otsego	1	...	...	1	...
Putman	3	...	...	3	...
Rensselaer	16	1	3	12	...
Rockland	14	...	3	11	...
St. Lawrence	5	...	...	5	...
Saratoga	21	2	...	19	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	1	...	...	1	...
Seneca	...	...	...	...	...
Steuben	11	...	1	10	...
Suffolk	35	1	1	33	...
Sullivan	16	...	1	15	...
Tioga	6	...	...	6	...
Tompkins	3	...	...	3	...
Ulster	26	1	4	20	1
Warren	15	...	3	12	...
Washington	5	...	...	5	...
Wayne	12	...	1	11	...
Westchester	21	...	1	18	2
Wyoming	2	...	...	2	...
Yates	...	...	...	...	...

Table A-51
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Type of Petition
1986

Location	Total	Original JD Petition	JD Petition Substituted For DF Petition
Total New York State	9,194	9,095	99
Total New York City	3,599	3,531	68
New York	1,106	1,093	13
Kings	1,176	1,149	27
Queens	593	579	14
Bronx	570	558	12
Richmond	154	152	2
Total Upstate	5,595	5,564	31
Albany	390	390	...
Allegany	5	5	...
Broome	192	190	2
Cattaraugus	54	54	...
Cayuga	3	3	...
Chautauqua	91	91	...
Chemung	143	143	...
Chenango	...	...	...
Clinton	26	26	...
Columbia	26	25	1
Cortland	26	26	...
Delaware	10	10	...
Dutchess	62	62	...
Erie	502	500	2
Essex	24	24	...
Franklin	35	35	...
Fulton	13	13	...
Genesee	45	44	1
Greene	16	16	...
Hamilton	1	1	...
Herkimer	26	25	1
Jefferson	86	85	1
Lewis	2	2	...
Livingston	7	7	...
Madison	22	22	...
Monroe	453	452	1
Montgomery	16	16	...
Nassau	717	712	5
Niagara	107	104	3
Oneida	115	112	3
Onondaga	521	519	2
Ontario	41	41	...
Orange	141	140	1
Orleans	3	3	...
Oswego	45	45	...
Otsego	12	12	...
Putnam	39	39	...
Rensselaer	158	157	1
Rockland	105	105	...
St. Lawrence	33	33	...
Saratoga	184	184	...
Schenectady	1	1	...
Schoharie	4	4	...
Schuyler	10	10	...
Seneca	8	8	...
Steuben	66	66	...
Suffolk	297	296	1
Sullivan	83	83	...
Tioga	29	28	1
Tompkins	36	36	...
Ulster	138	137	1
Warren	69	66	3
Washington	70	70	...
Wayne	78	78	...
Westchester	184	183	1
Wyoming	15	15	...
Yates	10	10	...

Table A-52
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Origin Of Case
1986

Location	Total	Family Court This County	Family Court Another County	Removal By Local Criminal Court	Removal By Grand Jury	Removal By Supreme or County Court Before Adjudication	Removal By Supreme or County Court Before Sentence
Total New York State	9,194	8,882	200	91	8	7	6
Total New York City	3,599	3,397	111	81	2	4	4
New York	1,106	1,074	13	16	1	1	1
Kings	1,176	1,107	29	39	...	1	...
Queens	593	520	58	10	1	2	2
Bronx	570	544	11	14	...	...	1
Richmond	154	152	...	2	...	...	...
Total Upstate	5,595	5,485	89	10	6	3	2
Albany	390	377	13	...	...	...	...
Allegany	5	5	...	...	...	...	...
Broome	192	190	2	...	...	...	...
Cattaraugus	54	52	2	...	...	...	...
Cayuga	3	3	...	...	...	...	...
Chautauqua	91	90	1	...	...	...	...
Chemung	143	142	1	...	...	...	...
Chenango	...	...	...	...	...	...	...
Clinton	26	24	2	...	...	...	...
Columbia	26	24	...	1	1	...	...
Cortland	26	25	1	...	...	...	...
Delaware	10	9	...	...	1	...	...
Dutchess	62	62	...	...	...	...	...
Erie	502	494	5	...	2	1	...
Essex	24	23	1	...	...	...	...
Franklin	35	35	...	...	...	...	...
Fulton	13	13	...	...	...	...	...
Genesee	45	45	...	...	...	...	...
Greene	16	16	...	...	...	...	...
Hamilton	1	1	...	...	...	...	...
Herkimer	26	26	...	...	...	...	...
Jefferson	86	86	...	...	...	...	...
Lewis	2	2	...	...	...	...	...
Livingston	7	7	...	...	...	...	...
Madison	22	22	...	...	...	...	...
Monroe	453	444	8	...	1	...	...
Montgomery	16	16	...	...	...	...	...
Nassau	717	713	1	2	...	1	...
Niagara	107	105	1	1	...	...	...
Oneida	115	110	4	...	1	...	...
Onondaga	521	509	9	3	...	...	...
Ontario	41	41	...	...	...	...	...
Orange	141	139	2	...	...	...	...
Orleans	3	3	...	...	...	...	...
Oswego	45	45	...	...	...	...	...
Otsego	12	10	2	...	...	...	...
Putman	39	39	...	...	...	...	...
Rensselaer	158	149	7	1	...	...	1
Rockland	105	105	...	...	...	...	...
St Lawrence	33	33	...	...	...	...	...
Saratoga	184	179	5	...	...	...	...
Schenectady	1	1	...	...	...	...	...
Schoharie	4	4	...	...	...	...	...
Schuyler	10	10	...	...	...	...	...
Seneca	8	8	...	...	...	...	...
Steuben	66	60	5	...	...	1	...
Suffolk	297	292	5	...	...	...	...
Sullivan	83	82	1	...	...	...	...
Tioga	29	29	...	...	...	...	...
Tompkins	36	34	2	...	...	...	...
Ulster	138	138	...	...	...	...	...
Warren	69	64	4	1	...	...	...
Washington	70	65	4	...	...	...	1
Wayne	78	78	...	...	...	...	...
Westchester	184	183	...	1	...	...	...
Wyoming	15	14	1	...	...	...	...
Yates	10	10	...	...	...	...	...

Table A-53
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Presentment Agency
1986

Location	Total	County Attorney	Corporation Counsel	District Attorney	Other
Total New York State	9,194	5,373	3,497	244	80
Total New York City	3,599	79	3,404	107	9
New York	1,106	31	1,052	18	5
Kings	1,176	17	1,112	46	1
Queens	593	19	551	22	1
Bronx	570	11	536	21	2
Richmond	154	1	153	...	...
Total Upstate	5,595	5,294	93	137	71
Albany	390	319	70	1	...
Allegany	5	5	...	...	...
Broome	192	192	...	...	...
Cattaraugus	54	53	1	...	...
Cayuga	3	3	...	...	...
Chautauqua	91	91	...	...	...
Chemung	143	143	...	...	...
Chenango	...	...	...	...	...
Clinton	26	26	...	...	...
Columbia	26	26	...	...	...
Cortland	26	25	1	...	...
Delaware	10	9	...	1	...
Dutchess	62	60	1	...	1
Erie	502	493	...	...	9
Essex	24	20	4	...	...
Franklin	35	35	...	...	...
Fulton	13	13	...	...	...
Genesee	45	43	...	...	2
Greene	16	16	...	...	...
Hamilton	1	1	...	...	...
Herkimer	26	26	...	...	...
Jefferson	86	86	...	...	...
Lewis	2	2	...	...	...
Livingston	7	7	...	...	...
Madison	22	22	...	...	...
Monroe	453	453	...	...	...
Montgomery	16	16	...	...	...
Nassau	717	606	1	108	2
Niagara	107	107	...	...	...
Oneida	115	113	...	1	1
Onondaga	521	518	2	...	1
Ontario	41	41	...	...	...
Orange	141	117	3	...	21
Orleans	3	3	...	...	...
Oswego	45	39	...	...	6
Otsego	12	12	...	...	...
Putnam	39	39	...	...	...
Rensselaer	158	158	...	...	...
Rockland	105	104	...	...	1
St. Lawrence	33	33	...	...	...
Saratoga	184	156	2	...	26
Schenectady	1	...	1	...	...
Schoharie	4	4	...	...	...
Schuyler	10	10	...	...	...
Seneca	8	8	...	...	...
Steuben	66	65	...	1	...
Suffolk	297	294	2	...	1
Sullivan	83	83	...	...	...
Tioga	29	29	...	...	...
Tompkins	36	36	...	...	...
Ulster	138	136	2	...	...
Warren	69	68	...	1	...
Washington	70	70	...	...	...
Wayne	78	54	...	24	...
Westchester	184	184	...	...	...
Wyoming	15	15	...	...	...
Yates	10	7	3	...	...

Table A-54
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Legal Representation
1986

Location	Total	Law Guardian Panel	Legal Aid Society	Private Retained	None
Total New York State	9,194	6,010	2,404	679	101
Total New York City	3,599	1,299	2,023	216	61
New York	1,106	391	653	22	40
Kings	1,176	347	770	49	10
Queens	593	188	312	87	6
Bronx	570	318	236	12	4
Richmond	154	55	52	46	1
Total Upstate	5,595	4,711	381	463	40
Albany	390	355	4	29	2
Allegany	5	5	...	...	...
Broome	192	191	...	1	...
Cattaraugus	54	52	2	...	...
Cayuga	3	3	...	...	...
Chautauqua	91	91	...	...	...
Chemung	143	143	...	...	...
Chenango	...	...	...	...	...
Clinton	26	26	...	...	...
Columbia	26	24	...	2	...
Cortland	26	24	...	1	1
Delaware	10	10	...	...	...
Dutchess	62	59	1	2	...
Erie	502	488	2	10	2
Essex	24	21	3	...	...
Franklin	35	35	...	...	...
Fulton	13	13	...	...	...
Genesee	45	45	...	...	...
Greene	16	12	...	3	1
Hamilton	1	1	...	...	...
Herkimer	26	24	1	1	...
Jefferson	86	86	...	...	...
Lewis	2	2	...	...	...
Livingston	7	7	...	...	...
Madison	22	16	1	5	...
Monroe	453	138	256	54	5
Montgomery	16	16	...	...	...
Nassau	717	485	...	224	8
Niagara	107	104	...	3	...
Oneida	115	115	...	...	...
Onondaga	521	510	4	7	...
Ontario	41	40	...	...	1
Orange	141	43	92	6	...
Orleans	3	2	...	1	...
Oswego	45	44	...	...	1
Otsego	12	11	...	...	1
Putman	39	39	...	...	...
Rensselaer	158	156	2	...	...
Rockland	105	95	...	9	1
St. Lawrence	33	33	...	...	...
Saratoga	184	173	...	10	1
Schenectady	1	1	...	...	...
Schoharie	4	3	...	1	...
Schuyler	10	9	...	1	...
Seneca	8	8	...	...	...
Steuben	66	65	...	1	...
Suffolk	297	201	9	73	14
Sullivan	83	81	...	2	...
Tioga	29	29	...	...	...
Tompkins	36	34	1	1	...
Ulster	138	134	...	3	1
Warren	69	67	...	2	...
Washington	70	70	...	...	...
Wayne	78	77	...	1	...
Westchester	184	172	3	8	1
Wyoming	15	13	...	2	...
Yates	10	10	...	...	...

Table A-55
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Execluding Designated Felony) Petitions: Restitution Or Public Service Recommended Or Ordered
1986

Location	Total	Rest. or Pub. Serv. Recomm. or Ordered	Rest. or Pub. Serv. Not Recomm. or Ordered
Total New York State	9,194	1,126	8,068
Total New York City	3,599	134	3,465
New York	1,106	17	1,089
Kings	1,176	40	1,136
Queens	593	33	560
Bronx	570	42	528
Richmond	154	2	152
Total Upstate	5,595	992	4,603
Albany	390	53	337
Allegany	5	...	5
Broome	192	60	132
Cattaraugus	54	11	43
Cayuga	3	...	3
Chautauqua	91	20	71
Chemung	143	29	114
Chenango	...	...	...
Clinton	26	13	13
Columbia	26	6	20
Cortland	26	2	24
Delaware	10	...	10
Dutchess	62	13	49
Erie	502	58	444
Essex	24	8	16
Franklin	35	11	24
Fulton	13	...	13
Genesee	45	13	32
Greene	16	2	14
Hamilton	1	1	...
Herkimer	26	4	22
Jefferson	86	20	66
Lewis	2	2	...
Livingston	7	1	6
Madison	22	4	18
Monroe	453	51	402
Montgomery	16	2	14
Nassau	717	153	564
Niagara	107	13	94
Oneida	115	16	99
Onondaga	521	53	468
Ontario	41	13	28
Orange	141	32	109
Orleans	3	...	3
Oswego	45	19	26
Otsego	12	3	9
Putman	39	10	29
Rensselaer	158	45	113
Rockland	105	27	78
St. Lawrence	33	14	19
Saratoga	184	39	145
Schenectady	1	...	1
Schoharie	4	2	2
Schuyler	10	2	8
Seneca	8	6	2
Steuben	66	8	58
Suffolk	297	37	260
Sullivan	83	30	53
Tioga	29	7	22
Tompkins	36	10	26
Ulster	138	11	127
Warren	69	12	57
Washington	70	4	66
Wayne	78	18	60
Westchester	184	20	164
Wyoming	15	3	12
Yates	10	1	9

Table A-56
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Children Released And Detained Before Petition Filed
1986

Location	Total	Note Released Pursuant to 307.4	Released Pursuant to 307.4	Not Applicable*
Total New York State	9,182	550	107	8,525
Total New York City	3,591	221	68	3,302
New York	1,100	127	45	928
Kings	1,176	30	1	1,145
Queens	592	18	5	569
Bronx	569	44	17	508
Richmond	154	2	...	152
Total Upstate	5,591	329	39	5,223
Albany	390	...	...	390
Allegany	5	1	...	4
Broome	192	3	...	189
Cattaraugus	54	3	...	51
Cayuga	3	...	...	3
Chautauqua	91	...	...	91
Chemung	143	2	...	141
Chenango	...	...	...	...
Clinton	26	2	...	24
Columbia	26	2	...	24
Cortland	26	4	1	21
Delaware	10	...	...	10
Dutchess	62	6	...	56
Erie	501	11	15	475
Essex	24	2	...	22
Franklin	35	...	...	35
Fulton	13	2	...	11
Genesee	45	2	...	43
Greene	16	...	...	16
Hamilton	1	...	...	1
Herkimer	26	2	...	24
Jefferson	86	...	...	86
Lewis	2	...	...	2
Livingston	7	...	...	7
Madison	22	...	...	22
Monroe	453	...	...	453
Montgomery	16	...	...	16
Nassau	716	172	5	539
Niagara	107	9	...	98
Oneida	115	2	...	113
Onondaga	521	45	3	473
Ontario	41	1	...	40
Orange	141	1	...	140
Orleans	3	...	...	3
Oswego	45	...	...	45
Otsego	12	...	2	10
Putman	39	...	...	39
Rensselaer	158	...	2	156
Rockland	105	4	2	99
St. Lawrence	33	1	...	32
Saratoga	184	1	...	183
Schenectady	1	...	...	1
Schoharie	4	...	...	4
Schuyler	10	1	...	9
Seneca	8	...	...	8
Steuben	66	...	...	66
Suffolk	297	2	2	293
Sullivan	83	3	...	80
Tioga	29	...	...	29
Tompkins	36	3	1	32
Ulster	138	16	2	120
Warren	67	2	...	65
Washington	70	1	...	69
Wayne	78	3	4	71
Westchester	184	19	...	165
Wyoming	15	1	...	14
Yates	10	...	...	10

*Respondent not detained

Table A-57
FAMILY COURT
Juvenile Delinquency (Excluding Designated Felony) Petitions: Children Released And Detained After Petition Filed
1986

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Detained
Total New York State	9,194	610	326	189	266	552	82	7	7,162
Total New York City	3,599	353	138	82	126	225	34	4	2,637
New York	1,106	139	42	26	53	96	12	1	737
Kings	1,176	112	44	24	21	34	10	2	929
Queens	593	21	27	9	19	29	3	1	484
Bronx	570	65	22	18	29	57	5	...	374
Richmond	154	16	3	5	4	9	4	...	113
Total Upstate	5,595	257	188	107	140	327	48	3	4,525
Albany	390	10	10	9	14	53	4	...	290
Allegany	5	...	...	...	...	1	...	...	4
Broome	192	...	2	4	1	12	2	...	171
Cattaraugus	54	1	2	...	3	1	...	...	47
Cayuga	3	...	...	...	...	...	...	...	3
Chautauqua	91	...	...	...	1	...	1	...	89
Chemung	143	2	2	1	1	3	2	...	132
Chenango	...	...	...	...	...	...	...	...	...
Clinton	26	...	1	2	1	...	...	...	22
Columbia	26	...	1	1	...	1	...	...	23
Cortland	26	3	1	...	...	6	...	...	16
Delaware	10	...	...	...	...	1	...	...	9
Dutchess	62	...	1	1	2	6	1	...	51
Erie	502	25	17	2	15	30	14	3	396
Essex	24	2	1	...	...	...	...	...	21
Franklin	35	...	...	...	1	...	2	...	32
Fulton	13	...	1	1	1	...	...	...	10
Genesee	45	2	1	...	1	...	...	...	41
Greene	16	...	...	...	...	...	...	...	16
Hamilton	1	...	...	...	...	...	...	...	1
Herkimer	26	1	...	...	1	2	...	...	22
Jefferson	86	2	11	...	...	...	1	...	72
Lewis	2	...	...	...	...	...	...	...	2
Livingston	7	1	1	...	...	...	...	...	5
Madison	22	1	2	...	...	1	1	...	17
Monroe	453	38	19	15	35	60	2	...	284
Montgomery	16	...	...	...	...	...	...	...	16
Nassau	717	86	30	15	19	59	8	...	500
Niagara	107	10	11	5	1	...	...	...	80
Oneida	115	5	5	3	2	4	...	...	96
Onondaga	521	30	22	15	15	33	4	...	402
Ontario	41	2	2	...	1	1	...	...	35
Orange	141	...	3	2	1	1	...	...	134
Orleans	3	...	...	...	1	...	...	...	2
Oswego	45	...	...	...	...	...	...	...	45
Otsego	12	2	...	...	...	...	...	...	10
Putnam	39	...	...	...	...	2	...	...	37
Rensselaer	158	...	2	1	6	4	1	...	144
Rockland	105	4	1	7	5	2	...	...	86
St. Lawrence	33	...	1	...	1	1	...	...	30
Saratoga	184	2	8	7	1	1	...	...	165
Schenectady	1	...	...	...	...	...	...	...	1
Schoharie	4	...	...	...	...	...	...	...	4
Schuyler	10	1	1	...	...	...	...	...	8
Seneca	8	...	...	...	...	...	...	...	8
Steuben	66	...	1	2	1	3	...	...	59
Suffolk	297	9	3	3	1	1	...	...	280
Sullivan	83	3	1	...	...	...	...	...	79
Tioga	29	...	2	1	1	1	1	...	23
Tompkins	36	2	...	...	...	4	1	...	29
Ulster	138	7	5	...	...	3	...	...	123
Warren	69	2	7	2	2	2	...	...	54
Washington	70	3	1	2	...	1	...	...	63
Wayne	78	...	1	1	2	6	...	...	68
Westchester	184	1	8	4	2	21	3	...	145
Wyoming	15	...	...	1	1	...	...	...	13
Yates	10	...	...	...	...	...	...	...	10

Table A-58
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Days From Filing Petition To Completion Of Fact-Finding Hearing
1986

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	112	7	5	...	3	13	20	7	2	...	55
Total New York City	91	4	3	...	2	12	18	6	2	...	44
New York	19	...	...	...	...	4	1	...	1	...	13
Kings	40	1	1	...	1	2	14	4	1	...	16
Queens	15	2	...	...	...	4	2	1	...	...	6
Bronx	15	1	2	...	1	2	1	1	...	...	7
Richmond	2	...	...	...	...	...	...	...	...	...	2
Total Upstate	21	3	2	...	1	1	2	1	...	...	11
Albany	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	2	1	...	...	...	...	...	...	...	...	1
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	1	...	...	...	...	...	...	...	...	...	1
Dutchess	...	...	...	...	...	...	...	...	...	...	...
Erie	3	...	...	...	...	...	1	...	...	...	2
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	1	...	...	...	...	...	...	...	...	...	1
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	3	1	1	...	...	...	...	...	...	...	1
Niagara	1	...	1	...	...	...	...	...	...	...	...
Oneida	1	...	...	...	...	...	...	...	...	...	1
Onondaga	3	1	...	...	1	...	...	...	...	...	1
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	2	...	...	...	...	...	...	...	...	...	2
Rockland	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	1	...	...	...	...	...	...	1	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...
Warren	1	...	...	...	...	1	...	...	...	...	...
Washington	1	...	...	...	...	...	...	...	...	...	1
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	1	...	...	...	...	...	1	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

*Disposed before fact-finding

Table A-59
FAMILY COURT
Original Dipsositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Days From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1986

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	112	7	1	1	6	32	1	9	...	...	55
Total New York City	91	6	...	1	6	24	1	9	...	...	44
New York	19	1	...	...	1	4	...	...	...	...	13
Kings	40	4	...	...	2	8	1	9	...	...	16
Queens	15	...	...	...	1	8	...	...	...	...	6
Bronx	15	1	...	1	2	4	...	...	...	..	7
Richmond	2	...	...	...	...	...	...	...	...	...	2
Total Upstate	21	1	1	...	...	8	...	...	...	...	11
Albany	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	..	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	2	...	1	...	...	...	...	...	...	...	1
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	1	...	...	...	...	...	...	...	...	...	1
Dutchess	...	...	...	...	...	...	...	...	...	...	...
Erie	3	...	...	...	...	1	...	...	...	...	2
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	1	...	...	...	...	...	...	...	...	...	1
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	3	1	...	...	...	1	...	...	...	...	1
Niagara	1	...	...	...	...	1	...	...	...	...	...
Oneida	1	...	...	...	...	...	...	...	...	...	1
Onondaga	3	...	...	...	...	2	...	...	...	...	1
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	2	...	...	...	...	...	...	...	...	...	2
Rockland	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	1	...	...	...	...	1	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...
Warren	1	...	...	...	...	1	...	...	...	...	...
Washington	1	...	...	...	...	...	...	...	...	...	1
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	1	...	...	...	...	1	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

*Disposed before fact-finding

Table A-60
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Outcome Of Fact-Finding
1986

Location	Total	Allegation Established in Whole or in Part After Fact-Finding Hearing	Allegation Established in Whole or In Part By Admission	Allegation Not Established After Fact-Finding Hearing	Not Applicable*	Not Applicable JO Removed For Disposition Only
Total New York State	112	6	48	3	49	6
Total New York City	91	6	39	2	40	4
New York	19	2	3	1	12	1
Kings	40	1	22	1	16	...
Queens	15	2	7	...	4	2
Bronx	15	1	7	...	6	1
Richmond	2	...	...	...	2	...
Total Upstate	21	...	9	1	9	2
Albany	...	...	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	2	...	1	...	1	...
Cortland	...	...	...	...	...	...
Delaware	1	...	...	...	1	...
Dutchess	...	...	...	...	...	...
Erie	3	...	1	...	2	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	1	...	...	...	1	...
Montgomery	...	...	...	...	...	...
Nassau	3	...	2	...	1	...
Niagara	1	...	1	...	...	...
Oneida	1	...	...	...	1	...
Onondaga	3	...	2	...	1	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putnam	...	...	...	...	...	...
Rensselaer	2	...	...	...	1	1
Rockland	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	1	...	1	...	...	...
Suffolk	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...
Ulster	...	...	...	...	...	...
Warren	1	...	1	...	...	...
Washington	1	...	...	...	...	1
Wayne	...	...	...	...	...	...
Westchester	1	...	...	1	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

*Disposed before fact-finding

Table A-61
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Court (Excluding Designated Felonies): Duration Of Probation
1986

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	112	88	16	6	2
Total New York City	91	71	14	5	1
New York	19	15	4	...	...
Kings	40	34	4	2	...
Queens	15	9	3	3	...
Bronx	15	11	3	...	1
Richmond	2	2	...	...	...
Total Upstate	21	17	2	1	1
Albany	...	...	...	...	...
Allegany	...	...	...	...	...
Broome	...	...	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	...	...	...	...	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	2	2	...	...	...
Cortland	...	...	...	...	...
Delaware	1	1	...	...	...
Dutchess	...	...	...	...	...
Erie	3	2	1	...	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	...	...	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	1	1	...	...	...
Montgomery	...	...	...	...	...
Nassau	3	2	...	...	1
Niagara	1	1	...	...	...
Oneida	1	1	...	...	...
Onondaga	3	3	...	...	...
Ontario	...	...	...	...	...
Orange	...	...	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putnam	...	...	...	...	...
Rensselaer	2	2	...	...	...
Rockland	...	...	...	...	...
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	1	...	...	1	...
Suffolk	...	...	...	...	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	...	...	...	...	...
Ulster	...	...	...	...	...
Warren	1	1	...	...	...
Washington	1	...	1	...	...
Wayne	...	...	...	...	...
Westchester	1	1	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-62
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Breakdown Of Dispositions (Allegations Not Established)
1986

Location	Total	Dispositions—Allegations Not Established								Total Dispositions-Allegations Established
		Withdrawn	Consolidated	Change of venue	Found Incapacitated	Dismissed in Furtherance of Justice	Dismissed After Fact-Finding Hearing	ACD	Other Dismissal	
Total New York State	112	18	2	3	...	3	2	16	15	53
Total New York City	91	17	...	2	...	1	2	15	11	43
New York	19	4	...	2	...	1	1	...	5	6
Kings	40	10	...	...	...	...	1	11	1	17
Queens	15	1	...	...	...	...	...	2	1	11
Bronx	15	2	...	...	...	...	...	2	2	9
Richmond	2	...	...	...	...	...	...	...	2	...
Total Upstate	21	1	2	1	...	2	...	1	4	10
Albany	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...
Columbia	2	...	1	...	...	...	...	...	...	1
Cortland	...	...	...	...	...	...	...	...	...	...
Delaware	1	...	...	...	...	1	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...
Erie	3	1	...	...	...	...	...	...	1	1
Essex	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...
Monroe	1	...	...	...	...	...	...	...	1	...
Montgomery	...	...	...	...	...	...	...	...	...	...
Nassau	3	...	...	1	...	...	...	...	...	2
Niagara	1	...	...	...	...	...	...	...	...	1
Oneida	1	...	...	...	...	1	...	...	...	...
Onondaga	3	...	...	...	...	...	...	1	1	1
Ontario	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...
Rensselaer	2	...	...	...	...	...	...	...	1	1
Rockland	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...
Steuben	1	...	...	...	...	...	...	...	...	1
Suffolk	...	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...
Warren	1	...	...	...	...	...	...	...	...	1
Washington	1	...	...	...	...	...	...	...	...	1
Wayne	...	...	...	...	...	...	...	...	...	...
Westchester	1	...	1	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...

Table A-63
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Breakdown Of Dispositions (Allegations Established)
1986

Location	Total	Placement										
		Condi-tional Discharge	Proba-tion	Home, Relative or Private Person	Comm. Social Services	DFY Title II	DFY Title III	DFY 60 Day Option	DFY 6 Month Resid.	Social Services Trans. to Mental Hygiene	DFY Trans. to Mental Hygiene	Other Place-ment
Total New York State	53	4	24	...	3	8	12	...	...	...	...	2
Total New York City	43	3	20	...	1	8	9	...	...	...	...	2
New York	6	1	4	...	...	...	1	...	...	...	...	...
Kings	17	2	6	...	1	3	3	...	...	...	...	2
Queens	11	...	6	...	...	5	...	...	...	...	...	...
Bronx	9	...	4	...	...	...	5	...	...	...	...	...
Richmond	...	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	10	1	4	...	2	...	3	...	...	...	...	...
Albany	...	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...	...
Columbia	1	...	...	...	...	...	1	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...	...
Erie	1	...	1	...	...	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...	...
Monroe	...	...	...	...	...	...	...	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...	...
Nassau	2	...	1	...	...	...	1	...	...	...	...	...
Niagara	1	...	...	...	...	...	1	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...	...
Onondaga	1	...	...	...	1	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	1	...	...	...	1	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...	...
Steuben	1	...	1	...	...	...	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...	...
Warren	1	1	...	...	...	...	...	...	...	...	...	...
Washington	1	...	1	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...	...

Table A-64
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies: Crimes Alleged in Petitions:
1986

	Total New York State	Total New York City	Total Upstate
Felonies			
Assault or Related Offenses	34	32	2
Homicide	4	2	2
Criminal Trespass/Burglary	4	3	1
Criminal Mischief/Tamp.	2	1	1
Grand Larceny	9	9	...
Robbery	64	58	6
Crim. Poss. Stolen Property	10	10	...
Controlled Substance Offense	2	2	...
Marijuana Possession/Sale	1	1	...
Weapon Offenses	5	5	...
Other Felonies	18	12	6
Misdemeanors			
Assault or Related Offenses	7	5	2
Crim. Trespass/Burg. or Rel. Offenses	...	...	...
Crim. Mischief/Tamp./Reck. End. Prep.	6	6	...
Petit Larceny	6	4	2
Theft & Related Offenses	14	14	...
Controlled Substance Offenses	2	2	...
Marijuana Possession/Sale	...	...	...
Riot/Harass./Loitering	...	...	...
Unlawful Possession Weapon	...	...	...
Weapon Offenses	19	19	...
Other Misdemeanors	4	2	2

NOTE: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-65
Original Disositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Crimes Found To Have Been Committed
1986

	Total New York State	Total New York City	Total Upstate
Felonies			
Assault or Related Offenses	5	4	1
Homicide	...	...	...
Criminal Trespass/Burglary	4	3	1
Criminal Mischief/Tamp.	1	...	1
Grand Larceny	1	1	...
Robbery	26	23	3
Crim. Poss. Stolen Property	1	1	...
Controlled Substance Offense	1	1	...
Marijuana Possession/Sale	...	...	...
Weapon Offenses	...	...	...
Other Felonies	5	2	3
Misdemeanors			
Assault or Related Offenses	3	3	...
Crim. Trespass/Burg. or Rel. Offenses	...	...	...
Crim. Mischief/Tamp./Reck. End. Prep.	1	1	...
Petit Larceny	8	6	2
Theft & Related Offenses	2	2	...
Controlled Substance Offenses	1	1	...
Marijuana Possession/Sale	...	...	...
Riot/Harass./Loitering	...	...	...
Unlawful Possession Weapon	1	...	1
Weapon Offenses	...	...	...
Other Misdemeanors	4	3	1
Allegation Not Established	49	40	9

NOTE: The number of crimes found to have been committed exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-66 (partial)
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Age Of Alleged Victims By Crime Alleged
1986

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total New York State									
Felonies									
Assault or Related Offenses	170	...	6	1	2	...	4	24	133
Homicide	10	1	1	...	...	...	...	...	8
Criminal Trespass/ Burglary	20	...	1	1	...	...	...	2	16
Criminal Mischief/ Tamp.	5	...	...	...	...	...	...	1	4
Grand Larceny	35	...	...	...	...	...	2	5	28
Robbery	175	...	4	...	1	...	9	22	139
Crim. Poss. Stolen Property	15	...	...	...	...	...	1	2	12
Controlled Substance Offense	10	...	...	...	...	...	1	1	8
Marijuana Possession/ Sale	...	...	...	...	...	...	...	...	...
Weapon Offenses	5	...	...	...	...	...	...	1	4
Other Felonies	65	...	5	...	...	...	3	5	52
Misdemeanors									
Assault or Related Offenses	10	...	1	1	...	...	...	...	8
Crim. Trespass/ Burg. or Rel. Offenses	...	...	...	...	...	...	...	...	...
Crim. Mischief/ Tamp./ Reck. End. Prep.	10	...	...	...	...	...	2	...	8
Petit Larceny	15	...	...	...	...	...	2	1	12
Theft & Related Offenses	...	...	...	...	...	...	...	...	...
Controlled Substance Offenses	...	...	...	...	...	...	...	...	...
Marijuana Possession/ Sale	...	...	...	...	...	...	...	...	...
Riot/ Harass./ Loitering	...	...	...	...	...	...	...	...	...
Unlawful Possession Weapon	...	...	...	...	...	...	...	...	...
Weapon Offenses	5	...	...	...	...	...	...	1	4
Other Misdemeanors	10	1	...	...	...	...	...	1	8
Total	560	2	18	3	3	...	24	66	444
Total New York City									
Felonies									
Assault or Related Offenses	160	...	2	1	2	...	4	23	128
Homicide	...	...	...	...	...	...	...	...	...
Criminal Trespass/ Burglary	15	...	...	1	...	...	..	2	12
Criminal Mischief/ Tamp.	...	...	...	...	...	...	...	...	...
Grand Larceny	35	...	...	...	...	...	2	5	28
Robbery	150	...	1	...	1	...	6	22	120
Crim. Poss. Stolen Property	15	...	...	...	...	...	1	2	12
Controlled Substance Offense	10	...	...	...	...	...	1	1	8
Marijuana Possession/ Salw	...	...	...	...	...	...	...	...	...
Weapon Offenses	5	...	...	...	...	...	...	1	4
Other Felonies	35	...	2	...	...	...	1	4	28
Misdemeanors									
Assault or Related Offenses	...	...	...	...	...	...	...	...	...
Crim. Trespass/ Burg. or Rel. Offenses	...	...	...	...	...	...	...	...	...
Crim. Mischief/ Tamp./ Reck. End. Prep.	10	...	...	...	...	...	2	...	8
Petit Larceny	10	...	...	...	...	...	1	1	8
Theft & Related Offenses	...	...	...	...	...	...	...	...	...
Controlled Substance Offenses	...	...	...	...	...	...	...	...	...
Marijuana Possession/ Sale	...	...	...	...	...	...	...	...	...
Riot/ Harass./ Loitering	...	...	...	...	...	...	...	...	...
Unlawful Possession Weapon	...	...	...	...	...	...	...	...	...
Weapon Offenses	5	...	...	...	...	...	...	1	4
Other Misdemeanors	5	...	...	...	...	...	...	1	4
Total	455	...	5	2	3	...	18	63	364

*No Victims

NOTE: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-66 (concl.)
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Age Of Alleged Victims By Crime Alleged
1986

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total Outside New York City									
Felonies									
Assault or Related Offenses	10	...	4	...	...	...	...	1	5
Homicide	10	1	1	...	...	...	...	...	8
Criminal Trespass/Burglary	5	...	1	...	...	...	...	...	4
Criminal Mischief/Tamp.	5	...	...	...	...	...	...	1	4
Grand Larceny	...	...	...	...	...	...	...	...	...
Robbery	25	...	3	...	...	...	3	...	19
Crim. Poss. Stolen Property	...	...	...	...	...	...	...	...	...
Controlled Substance Offense	...	...	...	...	...	...	...	...	...
Marijuajna Possession/Sale	...	...	...	...	...	...	...	...	...
Weapon Offenses	...	...	...	...	...	...	...	...	...
Other Felonies	30	...	3	...	...	...	2	1	24
Misdemeanors									
Assault or Related Offenses	10	...	1	1	...	...	...	...	8
Crim. Trespass/Burg. or Rel. Offenses	...	...	...	...	...	...	...	...	...
Crim. Mischief/Tamp./Reck. End. Prep.	...	...	...	...	...	...	...	...	...
Petit Larceny	5	...	...	...	...	...	1	...	4
Theft & Related Offenses	...	...	...	...	...	...	...	...	...
Controlled Substance Offenses	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Riot/Harass./Loitering	...	...	...	...	...	...	...	...	...
Unlawful Possession Weapon	...	...	...	...	...	...	...	...	...
Weapon Offenses	...	...	...	...	...	...	...	...	...
Other Misdemeanors	5	1	...	...	...	...	...	...	4
Total	105	2	13	1	...	...	6	3	80

*No Victims

NOTE: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-67
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Co-Respondent In Each Petition
1986

Location	Total	None	1	2	3	4 or More
Total New York State	112	63	32	11	2	4
Total New York City	91	47	29	9	2	4
New York	19	11	4	2	1	1
Kings	40	22	12	4	...	2
Queens	15	9	5	1	...	...
Bronx	15	5	7	1	1	1
Richmond	2	...	1	1	...	...
Total Upstate	21	16	3	2	...	...
Albany	...	...	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	2	2	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	1	1	...	...	...	...
Dutchess	...	...	...	...	...	...
Erie	3	3	...	...	...	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	1	1	...	...	...	...
Montgomery	...	...	...	...	...	...
Nassau	3	1	1	1	...	...
Niagara	1	...	1	...	...	...
Oneida	1	1	...	...	...	...
Onondaga	3	3	...	...	...	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putman	...	...	...	...	...	...
Rensselaer	2	2	...	...	...	...
Rockland	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	1	...	1	...	...	...
Suffolk	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...
Ulster	...	...	...	...	...	...
Warren	1	1	...	...	...	...
Washington	1	1	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	1	...	...	1	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

Table A-68
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Adjournments From Filing Petition To Completion Of Fact-Finding Hearing
1986

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	112	9	10	9	7	6	8	16	47
Total New York City	91	4	7	7	6	5	8	16	38
New York	19	1	...	2	...	1	2	2	11
Kings	40	1	3	2	1	4	5	10	14
Queens	15	1	2	2	1	...	...	3	6
Bronx	15	1	2	1	4	...	1	1	5
Richmond	2	...	...	...	...	...	...	...	2
Total Upstate	21	5	3	2	1	1	...	...	9
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	2	1	...	...	...	...	...	...	1
Cortland	...	...	...	...	...	...	...	...	...
Delaware	1	...	1	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	3	...	1	...	...	...	...	...	2
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	1	1	...	...	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	3	...	1	...	...	...	...	...	2
Niagara	1	1	...	...	...	...	...	...	...
Oneida	1	...	...	...	...	...	...	...	1
Onondaga	3	1	...	1	...	...	...	...	1
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	2	1	...	...	...	...	...	...	1
Rockland	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	1	...	...	...	...	1	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	1	...	...	...	1	...	...	...	...
Washington	1	...	...	...	...	...	...	...	1
Wayne	...	...	...	...	...	...	...	...	...
Westchester	1	...	...	1	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	
Yates	...	...	...	...	...	...	...	...	...

*Disposed before fact-finding

Table A-69
FAMILY COURT
Original Dispositions Of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Adjournments From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1986

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	112	15	26	11	4	3	3	5	45
Total New York City	91	10	21	9	4	2	3	5	37
New York	19	3	4	...	...	...	...	2	10
Kings	40	5	9	3	2	1	3	2	15
Queens	15	...	5	4	...	1	...	1	4
Bronx	15	2	3	2	2	...	...	...	6
Richmond	2	...	...	...	...	...	...	...	2
Total Upstate	21	5	5	2	...	1	...	...	8
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	2	...	1	...	...	...	...	...	1
Cortland	...	...	...	...	...	...	...	...	...
Delaware	1	...	1	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	3	...	1	...	...	...	...	...	2
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	1	1	...	...	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	3	1	...	1	...	...	...	...	1
Niagara	1	1	...	...	...	...	...	...	...
Oneida	1	...	...	...	...	...	...	...	1
Onondaga	3	...	1	...	...	1	...	...	1
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	2	...	...	1	...	...	...	...	1
Rockland	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	1	1	...	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	1	...	1	...	...	...	...	...	...
Washington	1	...	...	...	...	...	...	...	1
Wayne	...	...	...	...	...	...	...	...	...
Westchester	1	1	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

*Disposed before fact-finding

Table A-70
FAMILY COURT
Juvenile Delinquency (Excluding Designated Felony) Petitions: Orders Extending Placement
1986

Placement	Total Orders Extdg. Plcmt.	1st Order Extdg. Plcmt.	2nd Order Extdg. Plcmt.	3rd Order Extdg. Plcmt.	4th or More Order Extdg. Plcmt.
New York State					
Home, Rel., Put. Person	15	12	2	...	1
Comm. Social Service	247	159	52	24	12
DFY Title II	253	181	50	16	6
DFY Title III	419	311	78	24	6
DFY 6 Month Resid.	25	18	4	2	1
Soc. Serv. Trang. to MH	3	3	...	...	...
DFY Trans. to MH	1	...	1	...	...
Other Placement	10	9	1	...	...
**Total	973	693	188	66	26
New York City					
Home, Rel., Put. Person	1	...	...	...	1
Comm. Social Service	47	21	16	3	7
DFY Title II	113	86	19	6	2
DFY Title III	144	110	26	8	...
DFY 6 Month Resid.	3	2	1	...	...
Soc. Serv. Trans. to MH	1	1	...	...	...
DFY Trans. to MH	...	...	...	...	...
Other Placement	1	1	...	...	...
**Total	310	221	62	17	10
Outside New York City					
Home, Rel., Put. Person	14	12	2	...	...
Comm. Social Service	200	138	36	21	5
DFY Title II	140	95	31	10	4
DFY Title III	275	201	52	16	6
DFY 6 Month Resid.	22	16	3	2	1
Soc. Serv. Trans. to MH	2	2	...	...	...
DFY Trans. to MH	1	...	1	...	...
Other Placement	9	8	1	...	...
**Total	663	472	126	49	16

This table only includes those 110 forms where petition type (Section E) is code 1-JD.

Table A-71
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Days From Filing Petition To Completion Of Fact-Finding Hearing
1986

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	211	18	10	7	7	46	35	16	1	...	71
Total New York City	116	8	4	3	3	21	30	10	1	...	36
New York	28	2	...	1	...	16	5	2	1	...	1
Kings	54	3	2	1	2	5	19	2	...	...	20
Queens	22	1	1	1	...	...	5	5	...	...	9
Bronx	12	2	1	...	1	...	1	1	...	...	6
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	95	10	6	4	4	25	5	6	...	...	35
Albany	13	...	2	2	1	4	...	...	...	...	4
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	6	1	1	...	...	2	...	...	...	...	2
Cattaraugus	2	1	...	...	...	...	...	1	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	2	...	...	1	...	1	...	...	...	...	...
Chemung	4	2	1	...	...	1	...	...	...	...	...
Chemango	...	...	...	...	...	...	...	...	...	...	...
Clinton	2	...	...	...	...	...	...	...	...	...	2
Columbia	2	1	...	...	1	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	1	...	...	...	...	...	...	...	...	...	1
Erie	17	1	...	...	1	3	1	1	...	...	10
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesse	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	2	...	...	...	...	1	...	...	...	...	1
Jefferson	2	...	1	...	...	...	...	...	...	...	1
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	2	...	...	...	...	2	...	...	...	...	...
Monroe	9	1	...	1	...	4	...	...	...	...	3
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	4	...	1	...	...	1	...	2	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...
Oneida	2	...	...	...	...	...	...	...	...	...	2
Onondaga	8	...	...	...	...	1	...	...	...	...	7
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	3	...	...	...	...	2	...	...	...	...	*1
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putman	1	...	...	...	1	...	...	...	...	...	...
Rensselaer	2	...	...	...	...	...	...	2	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...	...	...
Sullivan	2	1	...	...	...	...	1	...	...	...	...
Tioga	1	1	...	...	...	...	...	...	...	...	...
Tompkins	4	1	...	...	...	2	1	...	...	...	...
Ulster	4	...	...	...	...	1	2	...	...	...	1
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

*Disposed before fact-finding

Table A-72
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts:
Days From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1986

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	211	49	9	5	8	39	20	10	...	...	71
Total New York City	116	34	6	1	7	17	9	6	...	...	36
New York	28	12	3	...	4	5	1	2	...	...	1
Kings	54	12	2	...	1	8	7	4	...	...	20
Queens	22	8	1	...	...	3	1	...	...	...	9
Bronx	12	2	...	1	2	1	...	...	...	...	6
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	95	15	3	4	1	22	11	4	...	...	35
Albany	13	3	1	...	1	2	2	...	...	...	4
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	6	1	...	1	...	1	...	1	...	...	2
Cattaraugus	2	...	...	...	...	2	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	2	...	...	1	...	1	...	...	...	...	...
Chemung	4	1	...	...	...	1	2	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	2	...	...	...	...	...	...	...	...	...	2
Columbia	2	1	...	1	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	1	...	...	...	...	...	...	...	...	...	1
Erie	17	3	...	1	...	1	1	1	...	...	10
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	2	1	...	...	...	...	...	...	...	...	1
Jefferson	2	...	1	...	...	...	...	...	...	...	1
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	2	...	...	...	...	...	1	1	...	...	...
Monroe	9	1	...	...	...	4	1	...	...	...	3
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	4	1	...	...	...	3	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...
Oneida	2	...	...	...	...	...	...	...	...	...	2
Onondaga	8	...	...	...	...	...	...	1	...	...	7
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	3	...	...	...	...	2	...	...	...	...	1
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putnam	1	...	...	...	...	1	...	...	...	...	...
Rensselaer	2	...	...	...	...	2	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...	...	...
Sullivan	2	2	...	...	...	...	...	...	...	...	...
Tioga	1	...	...	...	...	1	...	...	...	...	...
Tompkins	4	1	...	...	...	...	3	...	...	...	...
Ulster	4	...	1	...	...	1	1	...	...	...	1
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

*Disposed before fact-finding

Table A-73
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Outcome Of Fact-Finding
1986

Location	Total	Allegation Established in Whole or in Part After Fact-Finding Hearing	Allegation Established in Whole or In Part By Admission	Allegation Not Established After Fact-Finding Hearing	Not Applicable*	Not Applicable JO Removed For Disposition Only
Total New York State	211	21	104	15	71	...
Total New York City	116	15	53	12	36	...
New York	28	11	11	5	1	...
Kings	54	1	31	2	20	...
Queens	22	1	8	4	9	...
Bronx	12	2	3	1	6	...
Richmond	...	...	...	...	...	...
Total Upstate	95	6	51	3	35	...
Albany	13	...	9	...	4	...
Allegany	...	...	...	...	...	...
Broome	6	4	...	...	2	...
Cattaraugus	2	...	2	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	2	...	2	...	...	...
Chemung	4	...	4	...	...	...
Chenango	...	...	...	...	...	...
Clinton	2	...	...	...	2	...
Columbia	2	1	1	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	1	...	...	...	1	...
Erie	17	...	6	1	10	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	2	...	1	...	1	...
Jefferson	2	...	1	...	1	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	2	...	2	...	...	...
Monroe	9	1	5	...	3	...
Montgomery	...	...	...	...	...	...
Nassau	4	...	3	1	...	...
Niagara	...	...	...	...	...	...
Oneida	2	...	...	...	2	...
Onondaga	8	...	1	...	7	...
Ontario	...	...	...	...	...	...
Orange	3	...	2	...	1	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putman	1	...	1	...	...	...
Rensselaer	2	...	2	...	...	...
Rockland	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...
Sullivan	2	...	2	...	...	...
Tioga	1	...	1	...	...	...
Tompkins	4	...	3	1	...	...
Ulster	4	...	3	...	1	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

*Disposed before fact-finding

Table A-74
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Duration Of Probation
1986

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	211	172	18	3	18
Total New York City	116	98	11	1	6
New York	28	24	2	1	1
Kings	54	42	9	...	3
Queens	22	20	...	...	2
Bronx	12	12	...	...	...
Richmond	...	...	...	...	...
Total Upstate	95	74	7	2	12
Albany	13	10	2	...	1
Allegany	...	...	...	...	...
Broome	6	5	...	1	...
Cattaraugus	2	1	...	...	1
Cayuga	...	...	...	...	...
Chautauqua	2	...	2	...	...
Chemung	4	4	...	...	...
Chenango	...	...	...	...	...
Clinton	2	2	...	...	...
Columbia	2	2	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	1	1	...	...	...
Erie	17	15	2	...	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	2	1	...	1	...
Jefferson	2	2	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	2	1	...	...	1
Monroe	9	5	...	...	4
Montgomery	...	...	...	...	...
Nassau	4	4	...	...	...
Niagara	...	...	...	...	...
Oneida	2	2	...	...	...
Onondaga	8	8	...	...	...
Ontario	...	...	...	...	...
Orange	3	3	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putnam	1	...	...	..	1
Rensselaer	2	...	...	...	2
Rockland	...	...	...	...	...
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	...	...	...	...	...
Sullivan	2	2	...	...	...
Tioga	1	1	...	...	...
Tompkins	4	3	...	...	1
Ulster	4	2	1	...	1
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-75
FAMILY COURT
Original Dispositions Of Designated Felony Petitions (Excluding Removals From Criminal Courts): Breakdown Of Dispositions (Allegations Not Established)
1986

Location	Dispositions — Allegations Not Established								
	Total	With-Drawn	Consoli-dated	Change of Venue	Found Incapaci-tated	Dis-missed in Further-ance of Justice	Dis-missed After FF Hearing	Other Dis-missed	Total Dispo-sitions Allegations Established
Total New York State	211	30	2	3	...	4	15	41	116
Total New York City	116	18	...	...	...	1	12	19	66
New York	28	...	...	...	...	...	5	1	22
Kings	54	12	...	...	...	1	2	10	29
Queens	22	6	...	...	...	...	4	2	10
Bronx	12	...	...	...	...	...	1	6	5
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	95	12	2	3	...	3	3	22	50
Albany	13	1	...	...	...	...	...	4	8
Allegany	...	...	...	...	...	...	...	...	...
Broome	6	1	...	...	...	...	1	1	3
Cattaraugus	2	...	...	...	...	...	...	...	2
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	2	...	...	...	...	...	...	...	2
Chemung	4	...	...	...	...	...	...	...	4
Chenango	...	...	...	...	...	...	...	...	...
Clinton	2	2	...	...	...	...	...	...	...
Columbia	2	...	...	1	...	...	...	...	1
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	1	...	1	...	...	...	...	...	...
Erie	17	...	...	...	...	1	1	10	5
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	2	...	...	...	...	...	...	1	1
Jefferson	2	...	1	...	...	...	...	...	1
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	2	...	...	...	...	...	...	...	2
Monroe	9	1	...	...	...	...	...	2	6
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	4	...	...	...	...	1	...	...	3
Niagara	...	...	...	...	...	...	...	...	...
Oneida	2	1	...	...	...	...	...	1	...
Onondaga	8	6	...	...	...	...	...	2	...
Ontario	...	...	...	...	...	...	...	...	...
Orange	3	...	...	...	...	1	...	...	2
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putnam	1	...	...	...	...	...	...	...	1
Rensselaer	2	...	...	...	...	...	...	...	2
Rockland	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...
Sullivan	2	...	...	1	...	...	...	...	1
Tioga	1	...	...	...	...	...	...	...	1
Tompkins	4	...	...	...	...	...	1	...	3
Ulster	4	...	...	1	...	...	...	1	2
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

Table A-76
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Breakdown Of Dispositions (Allegations Established)
1986

	Non-Restrictive Placement												Placement Restrictive		
Location	Total	Conditional Discharge	Probation	Home, Relative or Private Person	Comm. of Social Services	DFY Title II	DFY Title III	DFY 60-day Option	DFY 6-month Resid.	Soc. Ser. Transfer to Mental Hygiene	DFY Transfer to Mental Hygiene	Other Placement	DFY 5-yrs.	DFY 3-yrs.	DFY Transfer to Mental Hygiene
Total New York State	116	13	39	...	2	4	49	1	...	...	...	4	...	4	...
Total New York City	66	8	18	...	1	2	31	...	...	...	...	4	...	2	...
New York	22	2	4	...	...	1	13	...	...	...	...	...	...	2	...
Kings	29	6	12	...	...	...	7	...	...	...	...	4	...	...	...
Queens	10	...	2	...	...	1	7	...	...	...	...	...	...	...	...
Bronx	5	...	...	...	1	...	4	...	...	...	...	...	...	...	...
Richmond	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	50	5	21	...	1	2	18	1	...	...	...	...	...	...	...
Albany	8	1	3	...	...	...	4	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Broome	3	...	1	...	...	...	2	...	...	...	...	...	...	...	...
Cattaraugus	2	...	1	...	1	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Chemung	4	...	...	...	...	1	2	...	...	...	...	...	...	1	...
Chemango	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Columbia	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Erie	5	...	2	...	...	...	3	...	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Genesse	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Jefferson	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Madison	2	...	1	...	...	...	1	...	...	...	...	...	...	...	...
Monroe	6	1	4	...	...	...	1	...	...	...	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nassau	3	1	...	...	...	...	2	...	...	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Orange	2	...	...	...	...	...	1	1	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Putman	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sullivan	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Tioga	1	...	...	...	...	...	...	...	...	...	...	...	...	1	...
Tompkins	3	2	1	...	...	...	...	...	...	...	...	...	...	...	...
Ulster	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Table A-77
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts:
Crimes Alleged IN Petitions:
1986

	Total New York State	Total New York City	Total Upstate
Murder 1	.....	.....	.....
Att. Murder 1	4	4	.....
Murder 2	2	2	.....
Kidnapping 1	.....	.....	.....
Arson 1	3	.....	3
Att. Murder 2	2	2	.....
Manslaughter	1	.....	1
Rape 1	21	7	14
Sodomy 1	55	19	36
Aggravated Sexual Abuse	6	2	4
Att. Kidnapping 1	.....	.....	.....
Kidnapping 2	2	2	.....
Arson 2	9	4	5
Robbery 1	45	39	6
Burglary 1	5	4	1
Robbery 2	43	39	4
Assault 1	18	13	5
Burglary 2	15	6	9
Assault 2	25	24	1
Other Felonies	81	59	22
Misdemeanors, Violations	40	32	8

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-78
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts:
Crimes Found To Have Been Committed
1986

	Total New York State	Total New York City	Total Upstate
Murder 1	.....	.....	.....
Att. Murder 1	.....	.....	.....
Murder 2	.....	.....	.....
Kidnapping 1	.....	.....	.....
Arson 1	.....	.....	.....
Att. Murder 2	1	1	.....
Manslaughter 1	2	1	1
Rape 1	4	.....	4
Sodomy 1	12	2	10
Aggravated Sexual Abuse	3	1	2
Att. Kidnapping 1	.....	.....	.....
Kidnapping 2	.....	.....	.....
Arson 2	3	1	2
Robbery 1	13	11	2
Burglary 1	2	2	.....
Robbery 2	10	8	2
Assault 1	5	3	2
Burglary 2	5	1	4
Assault 2	9	7	2
Other Felonies	50	32	18
Misdemeanors, Violations	31	15	16
Allegations Not Established	82	46	36

Note: The number of crimes found to have been committed exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-79
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Co-Respondent In Each Petition
1986

Location	Total	None	1	2	3	4 or More
Total New York State	211	138	34	28	7	4
Total New York City	116	69	18	23	3	3
New York	28	14	3	10	...	1
Kings	54	34	9	9	1	1
Queens	22	15	2	3	1	1
Bronx	12	6	4	1	1	...
Richmond	...	...	...	...	...	...
Total Upstate	95	69	16	5	4	1
Albany	13	8	3	1	1	...
Allegany	...	...	...	...	...	...
Broome	6	6	...	...	...	...
Cattaraugus	2	2	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	2	...	2	...	...	...
Chemung	4	3	...	...	1	...
Chenango	...	...	...	...	...	...
Clinton	2	...	2	...	...	...
Columbia	2	1	...	1	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	1	1	...	...	...	...
Erie	17	13	3	...	1	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	2	2	...	...	...	...
Jefferson	2	...	...	2	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	2	2	...	...	...	...
Monroe	9	6	2	...	...	1
Montgomery	...	...	...	...	...	...
Nassau	4	3	...	1	...	...
Niagara	...	...	...	...	...	...
Oneida	2	2	...	...	...	...
Onondaga	8	7	1	...	...	...
Ontario	...	...	...	...	...	...
Orange	3	3	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putnam	1	1	...	...	...	...
Rensselaer	2	1	1	...	...	...
Rockland	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...
Sullivan	2	2	...	...	...	...
Tioga	1	1	...	...	...	...
Tompkins	4	2	2	...	...	...
Ulster	4	3	...	...	1	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

Table A-80
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Age of Alleged Victims By Crime Alleged
1986

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total New York State									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	20	...	...	...	...	...	...	5	15
Murder 2	10	...	...	...	...	...	...	2	8
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	15	...	...	...	1	...	2	...	12
Att. Murder 2	5	1	...	...	...	...	...	...	4
Manslaughter 1	5	...	1	...	...	...	...	...	4
Rape 1	100	14	1	...	...	...	2	4	79
Sodomy 1	230	39	2	...	...	1	1	9	178
Aggravated Sexual Abuse	10	...	...	...	...	...	...	2	8
Att. Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	10	...	...	...	...	...	...	2	8
Arson 2	45	...	1	...	...	...	3	5	36
Robbery 1	210	1	1	...	1	...	4	38	165
Burglary 1	10	...	...	...	...	...	1	1	8
Robbery 2	110	...	1	...	1	...	3	17	88
Assault 1	75	1	1	...	...	...	...	13	60
Burglary 2	50	...	...	1	...	...	6	3	40
Assault 2	35	...	...	...	1	...	4	2	28
Other Felonies	110	...	...	4	...	...	14	4	88
Misdemeanors, Violations	5	...	...	...	...	...	1	...	4
Total	1055	56	8	5	4	1	41	107	833
Total New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	20	...	...	...	...	...	...	5	15
Murder 2	10	...	...	...	...	...	...	2	8
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Att. Murder 2	5	1	...	...	...	...	...	...	4
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	30	2	1	...	...	...	1	2	24
Sodomy 1	75	9	...	...	...	...	...	7	59
Aggravated Sexual Abuse	10	...	...	...	...	...	...	2	8
Att. Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	10	...	...	...	...	...	...	2	8
Arson 2	20	...	...	...	...	...	1	3	16
Robbery 1	180	1	1	...	...	...	2	35	141
Burglary 1	5	...	...	...	...	...	1	...	4
Robbery 2	90	...	...	...	...	...	2	16	72
Assault 1	50	...	1	...	...	...	...	9	40
Burglary 2	5	...	...	...	...	...	...	1	4
Assault 2	30	...	...	...	...	...	4	2	24
Other Felonies	35	...	...	...	...	...	4	3	28
Misdemeanors, Violations	5	...	...	...	...	...	1	...	4
Total	580	13	3	...	...	...	16	89	459

*No Victims

NOTE: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-81
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Age of Alleged Victims By Crime Alleged
1986

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total Outside New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	...	...	...	...	...	...	...	...	...
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	15	...	...	...	1	...	2	...	12
Att. Murder 2	...	...	...	...	...	...	...	...	...
Manslaughter 1	5	...	1	...	...	...	...	...	4
Rape 1	70	12	...	...	...	...	1	2	55
Sodomy 1	155	30	2	...	...	1	1	2	119
Aggravated Sexual Abuse	...	...	...	...	...	...	...	...	...
Att. Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	25	...	1	...	...	...	2	2	20
Robbery 1	30	...	...	...	1	...	2	3	24
Burglary 1	5	...	...	...	...	...	...	1	4
Robbery 2	20	...	1	...	1	...	1	1	16
Assault 1	25	1	...	...	...	...	...	4	20
Burglary 2	45	...	...	1	...	...	6	2	36
Assault 2	5	...	...	...	1	...	...	...	4
Other Felonies	75	...	...	4	...	...	10	1	60
Misdemeanors, Violations	...	...	...	...	...	...	...	...	...
Total	475	43	5	5	4	1	25	18	374

*No Victims

NOTE: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-82
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Adjournments From Filing Petition To Completion Of Fact-Finding Hearing
1986

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	211	25	25	18	20	21	12	32	58
Total New York City	116	2	5	8	14	14	11	28	34
New York	28	...	2	3	2	6	2	12	1
Kings	54	...	2	3	9	7	6	8	19
Queens	22	1	1	1	2	1	2	6	8
Bronx	12	1	...	1	1	...	1	2	6
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	95	23	20	10	6	7	1	4	24
Albany	13	3	6	2	1	1	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	6	3	1	1	...	1	...	...	...
Cattaraugus	2	1	...	1	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	2	1	1	...	...	...	...	...	...
Chemung	4	3	1	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	2	2	...	...	...	...	...	...	...
Columbia	2	1	1	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	1	1	...	...	...	...	...	...	...
Erie	17	1	...	3	1	1	1	1	9
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	2	...	...	...	...	...	...	...	2
Jefferson	2	1	...	...	...	...	...	...	1
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	2	...	...	2	...	...	...	...	...
Monroe	9	3	...	...	1	3	...	1	1
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	4	1	1	...	1	...	...	1	...
Niagara	...	...	...	...	...	...	...	...	...
Oneida	2	...	...	...	...	...	...	...	2
Onondaga	8	...	...	...	1	...	...	...	7
Ontario	...	...	...	...	...	...	...	...	...
Orange	3	...	1	1	...	...	...	...	1
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	1	...	1	...	...	...	...	...	...
Rensselaer	2	...	...	...	...	1	...	1	...
Rockland	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...
Sullivan	2	2	...	...	...	...	...	...	...
Tioga	1	...	1	...	...	...	...	...	...
Tompkins	4	...	4	...	...	...	...	...	...
Ulster	4	...	2	...	1	...	...	...	1
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	
Yates	...	...	...	...	...	...	...	...	...

*Disposed Before Fact-Finding.

Table A-83
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Adjournments From Completion Of Fact-Finding Hearing To Completion of Dispositional Hearing
1986

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	211	61	43	16	10	13	4	6	58
Total New York City	116	34	21	7	7	8	2	3	34
New York	28	11	8	2	...	4	...	2	1
Kings	54	11	9	4	6	2	2	1	19
Queens	22	9	3	1	...	1	...	...	8
Bronx	12	3	1	...	1	1	...	...	6
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	95	27	22	9	3	5	2	3	24
Albany	13	3	5	2	...	2	1	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	6	3	1	1	...	...	...	1	...
Cattaraugus	2	...	1	1	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	2	...	2	...	...	...	...	...	...
Chemung	4	3	...	1	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	2	2	...	...	...	...	...	...	...
Columbia	2	...	1	...	...	...	...	...	1
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	1	1	...	...	...	...	...	...	...
Erie	17	2	3	1	1	...	...	1	9
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	2	...	1	1	...	...	...	...	...
Jefferson	2	...	1	...	...	...	...	...	1
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	2	1	1	...	...	...	...	...	...
Monroe	9	3	1	1	2	1	...	...	1
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	4	...	...	1	...	2	1	...	...
Niagara	...	...	...	...	...	...	...	...	...
Oneida	2	...	...	...	...	...	...	...	2
Onondaga	8	1	...	...	...	...	...	...	7
Ontario	...	...	...	...	...	...	...	...	...
Orange	3	2	...	...	...	...	...	...	1
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	1	...	1	...	...	...	...	...	...
Rensselaer	2	...	2	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...
Sullivan	2	2	...	...	...	...	...	...	...
Tioga	1	...	1	...	...	...	...	...	...
Tompkins	4	3	...	...	...	...	...	1	...
Ulster	4	1	1	...	...	...	...	...	2
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	-
Yates	...	...	...	...	...	...	...	...	...

*Disposed Before Fact-Finding.

Table A-84
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Excluding Removals From Criminal Courts: Dispositions In Designated Felony Parts
1986

Location	Total	Disposed In Designated Felony Part	Disposed In Other Part
Total New York State	211	149	62
Total New York City	116	106	10
New York	28	22	6
Kings	54	53	1
Queens	22	21	1
Bronx	12	10	2
Richmond	...	...	...
Total Upstate	95	43	52
Albany	13	9	4
Allegany	...	...	...
Broome	6	3	3
Cattaraugus	2	...	2
Cayuga	...	...	...
Chautauqua	2	...	2
Chemung	4	...	4
Chenango	...	...	...
Clinton	2	...	2
Columbia	2	...	2
Cortland	...	...	...
Delaware	...	...	...
Dutchess	1	..	1
Erie	17	17	...
Essex	...	...	...
Franklin	...	...	...
Fulton	...	...	...
Genesee	...	...	...
Greene	...	...	...
Hamilton	...	...	...
Herkimer	2	...	2
Jefferson	2	...	2
Lewis	...	...	...
Livingston	...	...	...
Madison	2	2	...
Monroe	9	1	8
Montgomery	...	...	...
Nassau	4	2	2
Niagara	...	...	...
Oneida	2	...	2
Onondaga	8	1	7
Ontario	...	...	...
Orange	3	1	2
Orleans	...	...	...
Oswego	...	...	...
Otsego	...	...	...
Putman	1	1	...
Rensselaer	2	...	2
Rockland	...	...	...
St. Lawrence	...	...	...
Saratoga	...	...	...
Schenectady	...	...	...
Schoharie	...	...	...
Schuyler	...	...	...
Seneca	...	...	...
Steuben	...	...	...
Suffolk	...	...	...
Sullivan	2	1	1
Tioga	1	1	...
Tompkins	4	3	1
Ulster	4	1	3
Warren	...	...	...
Washington	...	...	...
Wayne	...	...	...
Westchester	...	...	...
Wyoming	...	...	...
Yates	...	...	...

Table A-85
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts: Days From Filing Petition To Completion Of Fact-Finding Hearing
1986

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	216	9	7	5	5	40	44	8	4	...	94
Total New York City	189	9	3	3	2	32	44	7	2	...	87
New York	9	1	1	...	...	1	3	...	...	...	3
Kings	110	2	...	...	1	13	34	5	2	...	53
Queens	18	1	...	1	...	1	4	1	...	...	10
Bronx	52	5	2	2	1	17	3	1	...	...	21
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	27	...	4	2	3	8	...	1	2	...	7
Albany	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...
Erie	14	...	1	2	1	2	...	1	2	...	5
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesse	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	1	...	...	...	...	1	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	8	...	1	...	1	4	...	...	...	...	2
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...
Onondaga	1	...	1	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	1	...	...	...	...	1	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	1	...	...	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	1	...	1	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

*Disposed Before Fact-Finding

Table A-86
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts:
Days from Completion Of Fact-Finding Hearing To Completion Of Dispostional Hearing
1986

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	216	40	3	5	7	47	10	10	...	...	94
Total New York City	189	35	3	4	6	41	5	8	...	...	87
New York	9	1	1	1	...	2	1	...	...	...	3
Kings	110	21	...	2	...	24	2	8	...	...	53
Queens	18	4	...	...	1	2	1	...	...	...	10
Bronx	52	9	2	1	5	13	1	...	...	...	21
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	27	5	...	1	1	6	5	2	...	...	7
Albany	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Corland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...
Erie	14	4	...	...	1	1	2	1	...	...	5
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	1	...	...	...	...	...	1	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	8	1	...	...	...	4	1	...	...	...	2
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...
Onondaga	1	...	...	1	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	1	...	...	...	...	1	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	...	...	1	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	1	...	...	...	...	...	...	1	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

*Disposed before fact-finding

Table A-87
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts: Outcome Of Fact-Finding
1986

Location	Total	Allegation Established in Whole or in Part After Fact-Finding Hearing	Allegation Established in Whole or in Part By Admission	Allegation Not Established After Fact-Finding Hearing	Not Applicable*	Not Applicable JO Removed For Disposition Only
Total New York State	216	22	90	10	94	...
Total New York City	189	18	77	7	87	...
New York	9	2	3	1	3	...
Kings	110	2	54	1	53	...
Queens	18	...	7	1	10	...
Bronx	52	14	13	4	21	...
Richmond	...	...	...	...	...	...
Total Upstate	27	4	13	3	7	...
Albany	...	...	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...
Erie	14	3	4	2	5	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	1	...	1	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	8	1	5	...	2	...
Montgomery	...	...	...	...	...	...
Nassau	...	...	...	...	...	...
Niagara	...	...	...	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	1	...	1	...	...	...
Ontario	...	...	...	...	...	...
Orange	1	...	1	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putman	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...
Rockland	1	...	1	...	...	...
St. Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	1	...	...	1	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...
Ulster	...	...	...	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

*Disposed before fact-finding

Table A-88
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts: Duration Of Probation
1986

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	216	178	28	...	10
Total New York City	189	160	24	...	5
New York	9	7	2	...	...
Kings	110	95	13	...	2
Queens	18	14	2	...	2
Bronx	52	44	7	...	1
Richmond	...	...	...	...	...
Total Upstate	27	18	4	...	5
Albany	...	...	...	...	...
Allegany	...	...	...	...	...
Broome	...	...	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	...	...	...	...	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	...	...	...	...	...
Erie	14	8	4	...	2
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	1	1	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	8	6	...	...	2
Montgomery	...	...	...	...	...
Nassau	...	...	...	...	...
Niagara	...	...	...	...	...
Oneida	...	...	...	...	...
Onondaga	1	1	...	...	...
Ontario	...	...	...	...	...
Orange	1	1	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putman	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	1	...	...	...	1
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	1	1	...	...	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	...	...	...	...	...
Ulster	...	...	...	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-89
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts: Breakdown of Dispositions (Allegations Not Established)
1986

Location	Total	Dispositions—Allegations Not Established							
		Withdrawn	Consolidated	Change of venue	Found Incapacitated	Dismissed in Furtherance of Justice	Dismissed After Fact-Finding Hearing	Other Dismissal	Total Dispositions-Allegations Established
Total New York State	216	48	...	...	...	3	9	49	107
Total New York City	189	48	...	...	...	3	6	42	90
New York	9	...	...	...	...	...	1	3	5
Kings	110	41	...	...	...	...	...	18	51
Queens	18	4	...	...	...	...	2	5	7
Bronx	52	3	...	...	...	3	3	16	27
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	27	...	...	...	...	...	3	7	17
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...		...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	14	...	...	...	...	...	2	6	6
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	1	...	...	...	...	...	...	...	1
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	8	...	...	...	...	...	...	1	7
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	1	...	...	...	...	...	...	...	1
Ontario	...	...	...	...	...	...	...	...	...
Orange	1	...	...	...	...	...	...	...	1
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	...	...	...	...	1
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	1	...	...	...	...	...	1	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

Table A-90
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts: Breakdown Of Dispositions (Allegations Established)
1986

	Non-Restrictive Placement												Placement Restrictive		
Location	Total	Conditional Discharge	Probation	Home, Relative or Private Person	Comm. of Social Services	DFY Title II	DFY Title III	DFY 60-day Option	DFY 6-month Resid.	Soc. Serv. Transfer to Mental Hygiene	DFY Transfer to Mental Hygiene	Other Placement	DFY 5-yrs.	DFY 3-yrs.	DFY Transfer to Mental Hygiene
Total New York State	107	18	38	...	3	9	27	...	...	...	...	11	...	1	...
Total New York City	90	17	29	...	1	8	23	...	...	...	...	11	...	1	...
New York	5	...	2	...	...	...	2	...	...	...	...	...	...	1	...
Kings	51	15	15	...	1	2	7	...	...	...	...	11	...	...	...
Queens	7	1	4	...	...	1	1	...	...	...	...	...	...	...	...
Bronx	27	1	8	...	...	5	13	...	...	...	...	...	...	...	...
Richmond	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	17	1	9	...	2	1	4	...	...	...	...	...	...	...	...
Albany	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Erie	6	...	6	...	...	...	...	...	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monroe	7	1	2	...	1	1	2	...	...	...	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Onondaga	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Orange	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
St Lawrence	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Suffolk	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

TABLE A-91
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts:
Crimes Alleged In Petitions:
1986

	Total New York State	Total New York City	Total Upstate
Murder 1	...	...	...
Att. Murder 1	...	...	...
Murder 2	1	1	...
Kidnapping 1	1	...	1
Arson 1	1	1	...
Att. Murder 2	2	2	...
Manslaughter 1	...	...	...
Rape 1	13	6	7
Sodomy 1	15	9	6
Aggravated Sexual Abuse	2	2	...
Att. Kidnapping 1	...	...	...
Kidnapping 2	...	...	...
Arson 2	8	6	2
Robbery 1	86	79	7
Burglary 1	6	3	3
Robbery 2	124	121	3
Assault 1	18	15	3
Burglary 2	1	1	...
Assault 2	71	70	1
Other Felonies	60	54	6
Misdemeanors, Violations	56	56	...

NOTE: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-92
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts: Crimes Found To Have Been Committed
1986

	Total New York State	Total New York City	Total Upstate
Murder 1	...	...	...
Att. Murder 1	...	...	...
Murder 2	...	...	...
Kidnapping 1	...	...	...
Arson 1	...	...	...
Att. Murder 2	...	...	...
Manslaughter 1	...	...	...
Rape 1	...	...	...
Sodomy 1	4	3	1
Aggravated Sexual Abuse	1	1	...
Att. Kidnapping 1	...	...	...
Kidnapping 2	...	...	...
Arson 2	1	1	...
Robbery 1	13	11	2
Burglary 1	2	1	1
Robbery 2	27	25	2
Assault 1	4	2	2
Burglary 2	...	...	...
Assault 2	11	9	2
Other Felonies	27	25	2
Misdemeanors, Violations	37	29	8
Allegations Not Established	99	91	8

NOTE: The number of crimes found to have been committed exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-93
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts: Co-Respondent In Each Petition
1986

Location	Total	None	1	2	3	4 or More
Total New York State	216	81	57	45	13	20
Total New York City	189	66	49	44	13	17
New York	9	9	...	...	...	...
Kings	110	30	28	31	9	12
Queens	18	9	4	2	1	2
Bronx	52	18	17	11	3	3
Richmond	...	...	...	...	...	...
Total Upstate	27	15	8	1	...	3
Albany	...	...	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...
Erie	14	8	6	...	...	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	1	1	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	8	4	1	...	...	3
Montgomery	...	...	...	...	...	...
Nassau	...	...	...	...	...	...
Niagara	...	...	...	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	1	...	...	1	...	...
Ontario	...	...	...	...	...	...
Orange	1	...	1	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putman	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...
Rockland	1	1	...	...	...	...
St. Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	1	1	...	...	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...
Ulster	...	...	...	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

Table A-94 (partial)
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts:
Age of Alleged Victims By Crime Alleged
1986

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total New York State									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	5	...	...	...	...	...	...	1	4
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	5	...	...	...	...	...	1	...	4
Att. Murder 2	10	...	...	...	...	...	...	2	8
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	65	12	5	...	...	...	...	2	46
Sodomy 1	50	3	1	...	...	...	1	5	40
Aggravated Sexual Abuse	...	...	...	...	...	...	...	...	...
Att. Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	40	...	...	...	...	...	6	2	32
Robbery 1	430	7	23	14	2	1	5	39	339
Burglary 1	25	1	...	...	1	...	3	...	20
Robbery 2	350	1	19	7	6	4	2	32	279
Assault 1	50	...	4	2	...	...	...	4	40
Burglary 2	5	...	...	...	...	...	1	...	4
Assault 2	10	...	2	...	...	...	...	...	8
Other Felonies	30	1	...	...	...	1	2	2	24
Misdemeanors, Violations	5	...	1	...	...	...	...	...	4
Total	1080	25	55	23	9	6	21	89	852
Total New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	5	...	...	...	...	...	...	1	4
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	5	...	...	...	...	...	1	...	4
Att. Murder 2	10	...	...	...	...	...	...	2	8
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	30	2	3	...	...	...	...	1	24
Sodomy 1	40	1	1	...	...	...	1	5	32
Aggravated Sexual Abuse	...	...	...	...	...	...	...	...	...
Att. Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	30	...	...	...	...	...	4	2	24
Robbery 1	395	7	22	13	2	1	2	36	312
Burglary 1	10	...	...	...	...	...	2	...	8
Robbery 2	335	1	18	7	6	4	2	30	267
Assault 1	35	...	2	2	...	...	...	3	28
Burglary 2	5	...	...	...	...	...	1	...	4
Assault 2	10	...	2	...	...	...	...	...	8
Other Felonies	30	1	...	...	...	1	2	2	24
Misdemeanors, Violations	5	...	1	...	...	...	...	...	4
Total	945	12	49	22	8	6	15	82	751

*No Victims

NOTE: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-94 (conclusion)
FAMILY COURT
Original Dispositions Of Designated Felony Petitions
Removed From Criminal Courts:
Age of Alleged Victims By Crime Alleged
1986

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total Outside New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	...	...	...	...	...	...	...	...	...
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Att. Murder 2	...	...	...	...	...	...	...	...	...
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	35	10	2	...	...	...	...	1	22
Sodomy 1	10	2	...	...	...	...	...	...	8
Aggravated Sexual Abuse	...	...	...	...	...	...	...	...	...
Att. Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	10	...	...	...	...	...	2	...	8
Robbery 1	35	...	1	1	...	...	3	3	27
Burglary 1	15	1	...	...	1	...	1	...	12
Robbery 2	15	...	1	...	...	...	...	2	12
Assault 1	15	...	2	...	...	...	...	1	12
Burglary 2	...	...	...	...	...	...	...	...	...
Assault 2	...	...	...	...	...	...	...	...	...
Other Felonies	...	...	...	...	...	...	...	...	...
Misdemeanors, Violations	...	...	...	...	...	...	...	...	...
Total	135	13	6	1	1	...	6	7	101

*No Victims

NOTE: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-95
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts:
Adjournments From Filing Petition To Completion Of Fact-Finding Hearing
1986

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	216	9	14	18	19	17	10	43	86
Total New York City	139	6	8	16	17	15	8	39	80
New York	9	...	...	...	2	...	1	4	2
Kings	110	2	3	6	9	11	7	23	49
Queens	18	2	...	4	1	2	...	...	9
Bronx	52	2	5	6	5	2	...	12	20
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	27	3	6	2	2	2	2	4	6
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	14	1	4	1	1	...	...	2	5
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	1	...	1	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	8	1	...	1	...	2	2	1	1
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	1	1	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...
Orange	1	...	1	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	1	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	1	...	...	...	...	...	...	1	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	
Yates	...	...	...	...	...	...	...	...	...

*Disposed Before Fact-Finding.

Table A-96
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts: Adjournments From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1986

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	216	49	38	15	16	9	1	4	84
Total New York City	189	41	30	14	14	9	...	3	78
New York	9	2	2	2	1	...	...	1	1
Kings	110	27	18	8	4	2	...	2	49
Queens	18	4	3	1	1	1	...	...	8
Bronx	52	8	7	3	8	6	...	...	20
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	27	8	8	1	2	...	1	1	6
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...
Erie	14	5	4	...	...	...	...	...	5
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	1	...	1	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	8	2	2	1	1	...	1	...	1
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	1	...	1	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...
Orange	1	1	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	1	...	...	...	...
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	1	...	...	...	...	...	...	1	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

*Disposed Before Fact-Finding

Table A-97
FAMILY COURT
Original Dispositions Of Designated Felony Petitions Removed From Criminal Courts: Dispositions In Designated Felony Parts
1986

Location	Total	Disposed In Designated Felony Part	Disposed In Other Part
Total New York State	216	195	21
Total New York City	189	178	11
New York	9	8	1
Kings	110	109	1
Queens	18	18	...
Bronx	52	43	9
Richmond	...	...	...
Total Upstate	27	17	10
Albany	...	...	...
Allegany	...	...	...
Broome	...	...	...
Cattaraugus	...	...	...
Cayuga	...	...	...
Chautauqua	...	...	...
Chemung	...	...	...
Chenango	...	...	...
Clinton	...	...	...
Columbia	...	...	...
Cortland	...	...	...
Delaware	...	...	...
Dutchess	...	...	...
Erie	14	14	...
Essex	...	...	...
Franklin	...	...	...
Fulton	...	...	...
Genesee	...	...	...
Greene	...	...	...
Hamilton	...	...	...
Herkimer	1	...	1
Jefferson	...	...	...
Lewis	...	...	...
Livingston	...	...	...
Madison	...	...	...
Monroe	8	2	6
Montgomery	...	...	...
Nassau	...	...	...
Niagara	...	...	...
Oneida	...	...	...
Onondaga	1	...	1
Ontario	...	...	...
Orange	1	...	1
Orleans	...	...	...
Oswego	...	...	...
Otsego	...	...	...
Putman	...	...	...
Rensselaer	...	...	...
Rockland	1	...	1
St Lawrence	...	...	...
Saratoga	...	...	...
Schenectady	...	...	...
Schoharie	...	...	...
Schuyler	...	...	...
Seneca	...	...	...
Steuben	...	...	...
Suffolk	1	1	...
Sullivan	...	...	...
Tioga	...	...	...
Tompkins	...	...	...
Ulster	...	...	...
Warren	...	...	...
Washington	...	...	...
Wayne	...	...	...
Westchester	...	...	...
Wyoming	...	...	...
Yates	...	...	...

Table A-98
FAMILY COURT
Original Dispositions Of Designated Felony Petitions
Age of Boys When Act Committed
1986

Location	Total	7-9	10-12	13-15	15 or More
Total New York State	395	...	5	383	7
Total New York City	281	...	3	274	4
New York	35	...	...	34	1
Kings	150	...	3	147	...
Queens	37	...	...	34	3
Bronx	59	...	...	59	...
Richmond	...	...	...	...	...
Total Upstate	114	...	2	109	3
Albany	13	...	2	9	2
Allegany	...	...	...	...	...
Broome	5	...	...	5	...
Cattaraugus	2	...	...	2	...
Cayuga	...	...	...	...	...
Chautauqua	2	...	...	2	...
Chemung	3	...	...	3	...
Chenango	...	...	...	...	...
Clinton	2	...	...	2	...
Columbia	2	...	...	2	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	1	...	...	1	...
Erie	27	...	...	27	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	3	...	...	3	...
Jefferson	2	...	...	2	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	2	...	...	2	...
Monroe	15	...	...	15	...
Montgomery	...	...	...	...	...
Nassau	4	...	...	3	1
Niagara	...	...	...	...	...
Oneida	2	...	...	2	...
Onondaga	9	...	...	9	...
Ontario	...	...	...	...	...
Orange	4	...	...	4	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putman	1	...	...	1	...
Rensselaer	2	...	...	2	...
Rockland	1	...	...	1	...
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	1	...	...	1	...
Sullivan	2	...	...	2	...
Tioga	1	...	...	1	...
Tompkins	4	...	...	4	...
Ulster	4	...	...	4	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-99
FAMILY COURT
Original Dispositions Of Designated Felony Petitions: Age Of Girls When Act Committed
1986

Location	Total	7-9	10-12	13-15	15 or More
Total New York State	32	...	...	31	1
Total New York City	24	...	...	23	1
New York	2	...	...	1	1
Kings	14	...	...	14	...
Queens	3	...	...	3	...
Bronx	5	...	...	5	...
Richmond	...	...	...	...	...
Total Upstate	8	...	...	8	...
Albany	...	...	...	...	...
Allegany	...	...	...	...	...
Broome	1	...	...	1	...
Cattaraugus	...	...	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	...	...	...	...	...
Chemung	1	...	...	1	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	...	...	...	...	...
Erie	4	...	...	4	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	...	...	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	2	...	...	2	...
Montgomery	...	...	...	...	...
Nassau	...	...	...	...	...
Niagara	...	...	...	...	...
Oneida	...	...	...	...	...
Onondaga	...	...	...	...	...
Ontario	...	...	...	...	...
Orange	...	...	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putman	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	...	...	...	...	...
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	...	...	...	...	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	...	...	...	...	...
Ulster	...	...	...	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-100
FAMILY COURT
Original Dispositions Of Designated Felony Petitions:
Origin of Cases
1986

Location	Total	Family Court This County	Family Court Another County	Removal By Local Criminal Court	Removal By Grand Jury	Removal By Supreme Or County Court Before Adjudication	Removal By Supreme Or County Court Before Sentence
Total New York State	427	205	6	199	2	13	2
Total New York City	305	112	4	178	1	10	...
New York	37	26	2	8	...	1	...
Kings	164	53	1	103	...	7	...
Queens	40	22	...	15	1	2	...
Bronx	64	11	1	52	...	...	...
Richmond	...	...	...	...	...	...	...
Total Upstate	122	93	2	21	1	3	2
Albany	13	12	1	...	...	...	...
Allegany	...	...	...	...	...	...	...
Broome	6	6	...	...	...	...	...
Cattaraugus	2	2	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...
Chautauqua	2	2	...	...	...	...	...
Chemung	4	4	...	...	...	...	...
Chenango	...	...	...	...	...	...	...
Clinton	2	2	...	...	...	...	...
Columbia	2	2	...	...	...	...	...
Cortland	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...
Dutchess	1	1	...	...	...	...	...
Erie	31	17	...	10	1	1	2
Essex	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...
Herkimer	3	1	1	1	...	...	...
Jefferson	2	2	...	...	...	...	...
Lewis	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...
Madison	2	2	...	...	...	...	...
Monroe	17	9	...	7	...	1	...
Montgomery	...	...	...	...	...	...	...
Nassau	4	4	...	...	...	...	...
Niagara	...	...	...	...	...	...	...
Oneida	2	2	...	...	...	...	...
Onondaga	9	8	...	...	...	1	...
Ontario	...	...	...	...	...	...	...
Orange	4	3	...	1	...	...	...
Orleans	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...
Putman	1	1	...	...	...	...	...
Rensselaer	2	2	...	...	...	...	...
Rockland	1	...	...	1	...	...	...
St. Lawrence	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...
Suffolk	1	...	...	1	...	...	...
Sullivan	2	2	...	...	...	...	...
Tioga	1	1	...	...	...	...	...
Tompkins	4	4	...	...	...	...	...
Ulster	4	4	...	...	...	...	...
Warren	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...

Table A-101
FAMILY COURT
Original Dispositions Of Designated Felony Petitions:
Presentment Agency
1986

Location	Total	County Attorney	Corporation Counsel	District Attorney	Other
Total New York State	427	116	12	292	7
Total New York City	305	3	12	286	4
New York	37	...	4	33	...
Kings	164	2	4	157	1
Queens	40	1	4	35	...
Bronx	64	...	...	61	3
Richmond	...	...	...	...	...
Total Upstate	122	113	...	6	3
Albany	13	13	...	...	...
Allegany	...	...	...	...	...
Broome	6	6	...	...	...
Cattaraugus	2	2	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	2	2	...	...	...
Chemung	4	4	...	...	...
Chenango	...	...	...	...	...
Clinton	2	2	...	...	...
Columbia	2	2	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	1	1	...	...	...
Erie	31	30	...	...	1
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	3	...	...	3	...
Jefferson	2	2	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	2	2	...	...	...
Monroe	17	17	...	...	...
Montgomery	...	...	...	...	...
Nassau	4	3	...	1	...
Niagara	...	...	...	...	...
Oneida	2	2	...	...	...
Onondaga	9	9	...	...	...
Ontario	...	...	...	...	...
Orange	4	3	...	...	1
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putman	1	1	...	...	...
Rensselaer	2	2	...	...	...
Rockland	1	...	...	...	1
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	1	...	...	1	...
Sullivan	2	2	...	...	...
Tioga	1	...	...	1	...
Tompkins	4	4	...	...	...
Ulster	4	4	...	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-102
FAMILY COURT
Original Dispositions Of Designated Felony Petitions: Legal Representation
1986

Location	Total	Law Guardian Panel	Legal Aid Society	Private Retained	None
Total New York State	427	210	166	50	1
Total New York City	305	112	158	34	1
New York	37	10	24	3	...
Kings	164	45	102	16	1
Queens	40	19	10	11	...
Bronx	64	38	22	4	...
Richmond	...	...	...	...	...
Total Upstate	122	98	8	16	...
Albany	13	9	...	4	...
Allegany	...	...	...	...	...
Broome	6	6	...	...	...
Cattaraugus	2	2	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	2	2	...	...	...
Chemung	4	4	...	...	...
Chenango	...	...	...	...	...
Clinton	2	2	...	...	...
Columbia	2	2	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	1	...	...	1	...
Erie	31	28	...	3	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	3	2	...	1	...
Jefferson	2	2	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	2	2	...	...	...
Monroe	17	5	8	4	...
Montgomery	...	...	...	...	...
Nassau	4	3	...	1	...
Niagara	...	...	...	...	...
Oneida	2	2	...	...	...
Onondaga	9	9	...	...	...
Ontario	...	...	...	...	...
Orange	4	4	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putnam	1	1	...	...	...
Rensselaer	2	2	...	...	...
Rockland	1	1	...	...	...
St. Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	1	1	...	...	...
Sullivan	2	2	...	...	...
Tioga	1	1	...	...	...
Tompkins	4	3	...	1	...
Ulster	4	3	...	1	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-103
FAMILY COURT
Original Dispositions Of Designated Felony Petitions: Restitution Or Public Service Recommended Or Ordered
1986

Location	Total	Rest. Or Pub. Serv. Recomm. Or Ordered	Rest. Or Pub. Serv. Not Recomm. Or Ordered
Total New York State	427	22	405
Total New York City	305	13	292
New York	37	...	37
Kings	164	12	152
Queens	40	...	40
Bronx	64	1	63
Richmond	...	...	...
Total Upstate	122	9	113
Albany	13	1	12
Allegany	...	...	...
Broome	6	...	6
Cattaraugus	2	...	2
Cayuga	...	...	...
Chautauqua	2	...	2
Chemung	4	...	4
Chenango	...	...	...
Clinton	2	...	2
Columbia	2	...	2
Cortland	...	...	...
Delaware	...	...	...
Dutchess	1	...	1
Erie	31	1	30
Essex	...	...	...
Franklin	...	...	...
Fulton	...	...	...
Genesee	...	...	...
Greene	...	...	...
Hamilton	...	...	...
Herkimer	3	...	3
Jefferson	2	...	2
Lewis	...	...	...
Livingston	...	...	...
Madison	2	...	2
Monroe	17	3	14
Montgomery	...	...	...
Nassau	4	...	4
Niagara	...	...	...
Oneida	2	...	2
Onondaga	9	...	9
Ontario	...	...	...
Orange	4	...	4
Orleans	...	...	...
Oswego	...	...	...
Otsego	...	...	...
Putman	1	...	1
Rensselaer	2	...	2
Rockland	1	1	...
St. Lawrence	...	...	...
Saratoga	...	...	...
Schenectady	...	...	...
Schoharie	...	...	...
Schuyler	...	...	...
Seneca	...	...	...
Steuben	...	...	...
Suffolk	1	...	1
Sullivan	2	1	1
Tioga	1	...	1
Tompkins	4	2	2
Ulster	4	...	4
Warren	...	...	...
Washington	...	...	...
Wayne	...	...	...
Westchester	...	...	...
Wyoming	...	...	...
Yates	...	...	...

Table A-104
FAMILY COURT
Original Dispositions Of Designated Felony Petitions: Children Released And Detained Before Petition Filing
1986

Location	Total	Released Not Pursuant To 307.4	Released Pursuant To 307.4	Not Applicable*
Total New York State	427	34	8	385
Total New York City	305	27	7	271
New York	37	9	4	24
Kings	164	2	...	162
Queens	40	3	...	37
Bronx	64	13	3	48
Richmond	...	...	...	...
Total Upstate	122	7	1	114
Albany	13	...	...	13
Allegany	...	...	...	...
Broome	6	...	...	6
Cattaraugus	2	...	...	2
Cayuga	...	...	...	...
Chautauqua	2	...	...	2
Chemung	4	...	...	4
Chenango	...	...	...	...
Clinton	2	...	...	2
Columbia	2	1	...	1
Cortland	...	...	...	...
Delaware	...	...	...	...
Dutchess	1	...	...	1
Erie	31	4	...	27
Essex	...	...	...	...
Franklin	...	...	...	...
Fulton	...	...	...	...
Genesee	...	...	...	...
Greene	...	...	...	...
Hamilton	...	...	...	...
Herkimer	3	...	...	3
Jefferson	2	...	...	2
Lewis	...	...	...	...
Livingston	...	...	...	...
Madison	2	...	...	2
Monroe	17	...	...	17
Montgomery	...	...	...	...
Nassau	4	1	...	3
Niagara	...	...	...	...
Oneida	2	...	...	2
Onondaga	9	1	...	8
Ontario	...	...	...	...
Orange	4	...	...	4
Orleans	...	...	...	...
Oswego	...	...	...	...
Otsego	...	...	...	...
Putman	1	...	...	1
Rensselaer	2	...	...	2
Rockland	1	...	...	1
St. Lawrence	...	...	...	...
Saratoga	...	...	...	...
Schenectady	...	...	...	...
Schoharie	...	...	...	...
Schuyler	...	...	...	...
Seneca	...	...	...	...
Steuben	...	...	...	...
Suffolk	1	...	...	1
Sullivan	2	...	...	2
Tioga	1	...	...	1
Tompkins	4	...	1	3
Ulster	4	...	...	4
Warren	...	...	...	...
Washington	...	...	...	...
Wayne	...	...	...	...
Westchester	...	...	...	...
Wyoming	...	...	...	...
Yates	...	...	...	...

* Respondent Not Detained.

Table A-105
FAMILY COURT
Original Dispositions Of Designated Felony Petitions: Children Released And Detained After Petition Filed
1986

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 Or More Days	Not Detained
Total New York State	427	25	20	12	21	39	9	...	301
Total New York City	305	21	14	8	14	26	7	...	215
New York	37	2	5	1	1	8	3	...	17
Kings	164	11	5	3	7	1	...	...	137
Queens	40	2	1	...	1	1	3	...	32
Bronx	64	6	3	4	5	16	1	...	29
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	122	4	6	4	7	13	2	...	86
Albany	13	...	1	...	1	2	...	...	9
Allegany	...	...	...	...	...	...	...	...	...
Broome	6	...	...	...	...	2	...	...	4
Cattaraugus	2	...	...	...	1	...	...	...	1
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	2	...	...	...	...	...	...	...	2
Chemung	4	...	...	...	...	1	1	...	2
Chenango	...	...	...	...	...	...	...	...	...
Clinton	2	...	...	...	...	...	...	...	2
Columbia	2	...	...	1	...	...	...	...	1
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	1	...	...	...	...	...	...	...	1
Erie	31	2	1	...	1	5	1	...	21
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	3	...	...	...	...	...	...	...	3
Jefferson	2	...	2	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	2	...	...	...	...	...	...	...	2
Monroe	17	2	1	2	3	...	...	...	9
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	4	...	1	...	...	2	...	...	1
Niagara	...	...	...	...	...	...	...	...	...
Oneida	2	...	...	...	...	...	...	...	2
Onondaga	9	...	...	1	...	...	...	...	8
Ontario	...	...	...	...	...	...	...	...	...
Orange	4	...	...	...	...	...	...	...	4
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putman	1	...	...	...	...	...	...	...	1
Rensselaer	2	...	...	...	...	...	...	...	2
Rockland	1	...	...	...	...	...	...	...	1
St. Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	1	...	...	...	...	...	...	...	1
Sullivan	2	...	...	...	...	...	...	...	2
Tioga	1	...	...	...	1	...	...	...	...
Tompkins	4	...	...	...	...	1	...	...	3
Ulster	4	...	...	...	...	...	...	...	4
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

Table A-106
FAMILY COURT
Designated Felony Petitions:
Orders Extending Placement
1986

Placement	Total Orders Extdg. Plcmt.	1st Order Extdg. Plcmt.	2nd Order Extdg. Plcmt.	3rd Order Extdg. Plcmt.	4th or More Order Extdg. Plcmt.
New York State					
Nonrestrictive:					
Home, Rel., Put. Person	...	...	...	...	...
Comm. Social Service	4	3	1	...	...
DFY Title II	17	10	7	...	...
DFY Title III	37	28	5	3	1
DFY 6 Month Resid.	...	...	...	...	...
Soc. Serv. Trang. to MH	...	...	...	...	...
DFY Trans. to MH	...	...	...	...	...
Other Placement	2	1	1	...	...
Restrictive:					
DFY 5 Years	...	...	...	...	...
DFY 3 Years	3	3	...	...	...
DFY Trans. to MH	...	...	...	...	...
**Total	63	45	14	3	1
New York City					
Nonrestrictive:					
Home, Rel., Put. Person	...	...	...	...	...
Comm. Social Service	1	1	...	...	...
DFY Title II	12	9	3	...	...
DFY Title III	20	16	2	1	1
DFY 6 Month Resid.	...	...	...	...	...
Soc. Serv. Trans. to MH	...	...	...	...	...
DFY Trans. to MH	...	...	...	...	...
Other Placement	...	...	...	...	...
Restrictive:					
DFY 5 Years	...	...	...	...	...
DFY 3 Years	3	3	...	...	...
DFY Trans. to MH	...	...	...	...	...
**Total	36	29	5	1	1
Outside New York City					
Nonrestrictive:					
Home, Rel., Put. Person	...	...	...	...	...
Comm. Social Service	3	2	1	...	...
DFY Title II	5	1	4	...	...
DFY Title III	17	12	3	2	...
DFY 6 Month Resid.	...	...	...	...	...
Soc. Serv. Trans. to MH	...	...	...	...	...
DFY Trans. to MH	...	...	...	...	...
Other Placement	2	1	1	...	...
Restrictive:					
DFY 5 Years	...	...	...	...	...
DFY 3 Years	...	...	...	...	...
DFY Trans. to MH	...	...	...	...	...
**Total	27	16	9	2	...

This table only includes those 110 forms where petition type (Section E) is code 2 - DF.

Table A-107
FAMILY COURT
Original Dispositions Of Family Offense Petitions:
Days From Filing Petition To Completion Of Dispositional Hearing
1986

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-150 Days	181-365 Days	366-730 Days	731 Or More Days
Total New York State	36068	4173	2935	3576	4643	15975	4060	511	160	35
Total New York City	20983	2034	1180	1545	2330	10965	2767	90	54	18
New York	3369	300	271	434	810	1413	84	23	28	6
Kings	6821	612	126	116	67	3592	2254	33	17	4
Queens	4825	624	559	688	990	1832	115	7	4	6
Bronx	5088	378	144	224	419	3646	255	16	4	2
Richmond	880	120	80	83	44	482	59	11	1	.....
Total Upstate	15085	2139	1755	2031	2313	5010	1293	421	106	17
Albany	540	13	72	186	78	159	27	5	.....	.....
Allegany	5	.....	1	1	.....	2	1	.....	.....	.....
Broome	310	27	105	76	40	50	10	.....	2	.....
Cattaraugus	3	.....	.....	1	.....	.....	2	.....	.....	.....
Cayuga	9	1	1	2	1	3	.....	1	.....	.....
Chautauqua	88	5	4	13	16	40	4	5	1	.....
Chemung	100	37	17	5	7	25	6	3	.....	.....
Chenango	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Clinton	37	3	4	6	3	19	2	.....	.....	.....
Columbia	72	12	10	5	12	25	7	1	.....	.....
Cortland	102	9	15	17	10	26	19	6	.....	.....
Delaware	146	24	34	26	12	26	22	2	.....	.....
Dutchess	243	30	13	14	63	104	14	5	.....	.....
Erie	1367	676	232	95	66	153	93	37	11	4
Essex	157	73	23	12	19	23	7	.....	.....	.....
Franklin	69	9	9	2	5	38	6	.....	.....	.....
Fulton	140	18	66	34	13	7	2	.....	.....	.....
Genesee	99	32	9	6	12	25	13	2	.....	.....
Greene	79	5	6	13	18	34	3	.....	.....	.....
Hamilton	7	4	2	1	.....	.....	.....	.....	.....	.....
Herkimer	186	28	26	22	18	51	22	11	8	.....
Jefferson	269	17	54	58	25	89	19	7	.....	.....
Lewis	23	7	5	2	1	7	.....	1	.....	.....
Livingston	9	2	2	4	.....	1	.....	.....	.....	.....
Madison	149	22	36	19	22	31	15	3	1	.....
Monroe	639	39	211	163	89	127	9	.....	1	.....
Montgomery	51	14	21	6	1	9	.....	.....	.....	.....
Nassau	3171	368	143	457	600	1066	367	139	24	7
Niagara	183	20	21	27	26	77	9	2	1	.....
Oneida	224	43	50	23	31	59	12	4	.....	2
Onondaga	785	20	52	83	188	367	67	6	2	.....
Ontario	181	56	65	20	18	15	6	1	.....	.....
Orange	128	30	30	17	16	29	6	.....	.....	.....
Orleans	30	3	5	1	2	11	7	1	.....	.....
Oswego	86	3	6	11	22	35	9	.....	.....	.....
Otsego	14	5	1	2	1	5	.....	.....	.....	.....
Putman	188	9	25	49	42	54	7	2	.....	.....
Rensselaer	192	4	16	19	34	96	19	3	1	.....
Rockland	531	68	27	46	82	193	64	41	9	1
St. Lawrence	185	66	36	14	9	43	14	3	.....	.....
Saratoga	207	31	40	21	35	57	20	3	.....	.....
Schenectady	21	4	1	2	1	9	3	1	.....	.....
Schoharie	35	13	11	5	2	3	1	.....	.....	.....
Schuyler	49	16	11	8	3	11	.....	.....	.....	.....
Seneca	6	2	.....	.....	1	2	1	.....	.....	.....
Steuben	55	.....	3	7	10	30	4	.....	1	.....
Suffolk	1602	57	61	218	358	755	113	32	7	1
Sullivan	146	35	24	26	15	29	13	4	.....	.....
Tioga	58	13	19	8	7	11	.....	.....	.....	.....
Tompkins	76	10	17	14	11	19	4	1	.....	.....
Ulster	261	32	22	27	44	95	33	7	1	.....
Warren	82	15	31	13	9	10	2	2	.....	.....
Washington	11	.....	.....	3	4	2	2	.....	.....	.....
Wayne	106	15	12	17	15	33	11	3	.....	.....
Westchester	1550	91	47	99	193	814	193	76	35	2
Wyoming	18	2	1	4	3	6	1	.....	1	.....
Yates	5	1	.....	1	.....	.....	2	1	.....	.....

Table A-108
FAMILY COURT
Original Dispositions Of Family Offense Petitions: Relationship Of Respondent To Petitioner Or Complainant
1986

Location	Total	Husband	Wife	Former Husband	Former Wife	Father	Mother	Son	Daughter	Man With Child In Common	Woman With Child In Common	Other Member Same Fam./ HSHLD.	Other Rel.
Total New York State	36068	19455	2411	939	136	460	370	2975	922	5409	314	1876	801
Total New York City	20983	10083	1214	557	56	203	197	1990	608	4038	211	1267	559
New York	3369	1568	157	114	6	28	26	308	108	767	27	200	60
Kings	6821	3322	408	154	12	58	69	665	219	1239	51	395	219
Queens	4825	2660	319	110	9	59	39	568	139	459	24	366	73
Bronx	5088	2068	273	145	24	45	53	362	116	1503	101	218	180
Richmond	880	445	57	34	5	13	10	87	26	70	8	88	27
Total Upstate	15085	9372	1197	382	80	257	173	985	314	1371	103	609	242
Albany	540	349	51	18	5	12	5	13	11	64	5	6	1
Allegany	5	4	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....
Broome	310	225	16	5	1	3	3	13	5	15	5	19	.....
Cattaraugus	3	2	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Cayuga	9	7	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Chautauqua	88	58	3	5	.....	2	.....	6	.....	11	.....	3	.....
Chemung	100	85	1	2	.....	.....	.....	1	1	10	.....	.....	.....
Chenango	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Clinton	37	31	1	.....	.....	1	1	1	.....	.....	.....	.....	2
Columbia	72	55	4	2	1	1	1	.....	1	5	.....	2	.....
Cortland	102	67	7	1	1	2	1	.....	2	11	.....	3	7
Delaware	146	109	15	3	.....	1	1	1	1	11	.....	2	2
Dutchess	243	135	19	6	1	28	5	12	3	15	.....	15	4
Erie	1367	790	54	48	4	3	6	153	25	233	6	42	3
Essex	157	103	5	6	.....	.....	.....	11	6	18	1	7	.....
Franklin	69	50	9	1	.....	.....	1	3	.....	1	.....	4	.....
Fulton	140	93	12	2	2	2	2	4	1	13	.....	7	2
Genesee	99	62	2	6	3	.....	1	6	3	8	.....	7	1
Greene	79	47	7	6	.....	5	.....	3	5	3	.....	3	.....
Hamilton	7	6	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....
Herkimer	186	137	18	2	1	3	1	3	.....	8	1	7	5
Jefferson	269	185	37	3	.....	2	1	8	4	17	1	8	3
Lewis	23	17	3	.....	.....	.....	1	1	.....	.....	.....	1	.....
Livingston	9	7	.....	.....	.....	.....	.....	1	.....	1	.....	.....	.....
Madison	149	92	10	7	.....	4	1	3	2	20	2	4	4
Monroe	639	417	17	8	1	3	3	19	6	142	2	20	1
Montgomery	51	43	1	.....	.....	.....	.....	.....	1	3	2	1	.....
Nassau	3171	1744	331	54	18	111	77	276	121	135	12	177	115
Niagara	183	141	12	8	2	.....	.....	4	.....	13	.....	2	1
Oneida	224	150	22	10	1	1	1	10	.....	22	1	5	1
Onondaga	785	454	41	44	4	16	4	42	8	123	10	30	9
Ontario	181	116	11	4	2	5	4	13	4	6	.....	13	3
Orange	128	94	5	6	.....	.....	1	11	.....	10	.....	.....	1
Orleans	30	23	2	1	.....	.....	.....	.....	.....	4	.....	.....	.....
Oswego	86	70	2	.....	.....	.....	4	2	1	6	.....	1	.....
Otsego	14	13	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....
Putman	188	125	32	8	1	.....	.....	14	.....	.....	.....	8	.....
Rensselaer	192	137	12	2	1	2	1	7	2	24	1	3	.....
Rockland	531	340	55	5	.....	5	10	41	12	32	1	20	10
St. Lawrence	185	156	5	1	1	1	.....	6	14	.....	1	.....	
Saratoga	207	162	16	7	2	2	1	1	1	13	.....	2	.....
Schenectady	21	20	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....
Schoharie	35	27	3	2	.....	.....	.....	2	.....	.....	.....	1	.....
Schuyler	49	36	4	2	.....	.....	.....	3	.....	2	.....	1	1
Seneca	6	3	1	.....	.....	.....	.....	1	.....	1	.....	.....	.....
Steuben	55	43	2	1	.....	.....	.....	4	.....	4	.....	1	.....
Suffolk	1602	1022	167	25	3	12	7	135	36	96	11	59	29
Sullivan	146	87	8	9	5	.....	.....	9	.....	23	2	1	2
Tioga	58	50	1	1	.....	.....	.....	2	1	3	.....	.....	.....
Tompkins	76	42	9	2	.....	2	.....	3	1	16	.....	1	.....
Ulster	261	178	23	2	2	4	3	7	2	23	4	12	1
Warren	82	61	5	.....	1	.....	.....	2	1	5	1	6	.....
Washington	11	9	.....	.....	.....	1	.....	.....	.....	.....	.....	1	.....
Wayne	106	72	6	2	.....	.....	.....	1	1	20	1	.....	3
Westchester	1550	805	126	53	15	23	24	125	46	166	34	102	31
Wyoming	18	12	.....	1	2	.....	1	1	.....	1	.....	.....	.....
Yates	5	4	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

Table A-109
FAMILY COURT
Original Dispositions Of Family Offense Petitions: Allegations In Petitions
1986

Location	Total	Assault 2	Assault 3	Attempted Assault	Reckless Endangerment	Menacing	Harassment	Disorderly Conduct	Other
Total New York State	54563	3222	12648	2098	1621	5331	19835	8712	1096
Total New York City	31722	2534	7822	798	530	3836	11741	3457	1004
New York	4381	468	1184	33	37	429	1669	433	128
Kings	10729	935	1953	182	140	1292	5155	612	460
Queens	7509	637	2438	398	188	883	2269	659	37
Bronx	7775	298	2125	166	100	1144	2025	1549	368
Richmond	1328	196	122	19	65	88	623	204	11
Total Upstate	22841	688	4826	1300	1091	1495	8094	5255	92
Albany	585	11	83	78	17	61	116	219	.....
Allegany	7	.....	1	.....	.....	1	4	1	.....
Broome	313	55	113	.....	1	.....	144	.....	.....
Cattaraugus	3	.....	.....	.....	.....	.....	3	.....	.....
Cayuga	15	2	1	.....	.....	2	7	1	2
Chautauqua	91	.....	10	1	3	5	31	41	.....
Chemung	115	1	10	1	5	2	93	3	.....
Chenango	.....	.....	.....	.....	.....	.....	.....	.....	.....
Clinton	38	1	1	4	1	.....	30	.....	1
Columbia	97	.....	6	5	13	5	59	9	.....
Cortland	291	.....	4	.....	93	92	100	2	.....
Delaware	243	7	12	11	21	16	134	41	1
Dutchess	356	28	28	13	21	28	205	30	3
Erie	1374	3	415	4	14	47	243	648	.....
Essex	183	8	53	3	7	5	42	65	.....
Franklin	75	.....	11	3	4	2	34	20	1
Fulton	232	6	42	9	8	21	105	37	4
Genesee	150	.....	22	16	10	7	89	5	1
Greene	111	4	8	6	1	5	29	58	.....
Hamilton	11	1	3	1	1	1	4	.....	.....
Herkimer	382	35	6	41	41	64	145	45	5
Jefferson	420	1	3	1	3	2	211	198	1
Lewis	62	8	6	9	4	11	15	9	.....
Livingston	9	.....	1	.....	.....	1	7	.....	.....
Madison	191	3	27	14	7	8	114	16	2
Monroe	852	17	399	22	24	78	275	36	1
Montgomery	107	9	3	16	20	15	39	4	1
Nassau	5323	18	2037	94	102	228	573	2267	4
Niagara	195	19	9	4	11	5	136	9	2
Oneida	434	19	46	39	48	68	163	50	1
Onondaga	888	46	328	26	21	28	393	36	10
Ontario	272	16	87	3	8	12	84	62	.....
Orange	187	8	73	2	7	8	83	5	1
Orleans	38	.....	.....	2	1	1	21	3	10
Oswego	119	1	27	9	3	7	52	20	.....
Otsego	14	.....	1	.....	.....	1	12	.....	.....
Putnam	419	23	48	33	42	69	132	72	.....
Rensselaer	291	.....	88	6	4	4	93	96	.....
Rockland	1374	101	268	148	134	142	351	227	3
St. Lawrence	419	44	62	21	9	8	158	115	2
Saratoga	275	12	41	18	15	21	160	8	.....
Schenectady	25	7	4	.....	2	2	9	1	.....
Schoharie	93	6	11	20	24	14	13	4	1
Schuyler	80	1	18	5	5	2	41	7	1
Seneca	9	4	.....	1	.....	1	3	.....	.....
Steuben	111	5	8	14	6	19	40	19	.....
Suffolk	1680	7	1	16	17	40	1578	16	5
Sullivan	192	28	13	21	15	25	80	8	2
Tioga	61	1	.....	.....	1	2	57	.....	.....
Tompkins	179	.....	15	32	27	15	55	34	1
Ulster	263	.....	1	1	2	1	258	.....	.....
Warren	98	3	17	19	7	2	39	11	.....
Washington	13	4	.....	2	1	1	5	.....	.....
Wayne	119	5	3	3	4	1	77	26	.....
Westchester	3313	108	345	501	254	287	1131	661	26
Wyoming	38	2	5	2	2	2	15	10	.....
Yates	6	.....	2	.....	.....	.....	4	.....	.....

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition.

Table A-110
FAMILY COURT
Original Dispositions Of Family Offense Petitions: Breakdown of Dispositions (Allegations Not Established)
1986

Location	Total	With-drawn	Consoli-dated	Change Of Venue	Transfer To Criminal Court	Dism. After Fact Finding Hearing	Dis-missed Failure To Prosecute	Other Dis-missal	Total Disposi-tions Estab-lished
Total New York State	36068	4705	51	20	16	312	14952	3756	12256
Total New York City	20983	1299	5	5	7	150	12089	2273	5155
New York	3369	267	.....	1	.....	36	1524	460	1081
Kings	6821	277	.....	1	1	28	4813	623	1078
Queens	4825	339	3	1	.....	47	2538	466	1431
Bronx	5088	336	2	1	6	38	2765	694	1246
Richmond	880	80	.....	1	.....	1	449	30	319
Total Upstate	15085	3406	46	15	9	162	2863	1483	7101
Albany	540	37	.....	.....	1	1	223	15	263
Allegany	5	1	.....	.....	.....	.....	.....	1	3
Broome	310	79	.....	.....	.....	2	16	62	151
Cattaraugus	3	2	.....	.....	.....	.....	.....	1	.....
Cayuga	9	1	.....	.....	.....	1	.....	1	6
Chautauqua	88	27	.....	.....	.....	.....	17	11	33
Chemung	100	17	1	.....	.....	.....	1	9	72
Chenango	.....	.....	.....	.....	.....	.....	.....	.....	.....
Clinton	37	26	.....	.....	.....	1	1	1	8
Columbia	72	40	2	.....	2	.....	7	5	16
Cortland	102	34	.....	.....	.....	1	16	5	46
Delaware	146	43	6	.....	.....	6	9	12	70
Dutchess	243	72	.....	.....	.....	.....	61	25	85
Erie	1367	95	.....	.....	.....	10	221	210	831
Essex	157	19	.....	.....	.....	.....	23	16	99
Franklin	69	19	.....	.....	.....	.....	1	9	40
Fulton	140	41	.....	.....	.....	.....	11	2	86
Genesee	99	29	.....	1	.....	3	7	2	57
Greene	79	10	.....	.....	.....	.....	6	6	57
Hamilton	7	3	.....	.....	.....	1	.....	.....	3
Herkimer	186	70	.....	.....	.....	3	10	12	91
Jefferson	269	81	1	.....	.....	2	58	15	112
Lewis	23	4	.....	.....	1	.....	2	.....	16
Livingston	9	.....	.....	1	.....	.....	.....	3	5
Madison	149	40	.....	1	.....	3	.....	15	90
Monroe	639	110	.....	1	.....	.....	11	176	341
Montgomery	51	9	.....	.....	.....	2	4	4	32
Nassau	3171	835	20	2	1	64	698	57	1494
Niagara	183	47	.....	.....	.....	2	20	9	105
Oneida	224	74	.....	.....	.....	1	26	11	112
Onondaga	785	93	.....	2	.....	.....	135	191	364
Ontario	181	24	3	.....	.....	.....	7	16	131
Orange	128	27	.....	.....	.....	6	31	3	61
Orleans	30	5	.....	.....	.....	.....	1	1	23
Oswego	86	29	1	.....	.....	1	11	1	43
Otsego	14	.....	.....	.....	.....	2	.....	1	11
Putman	188	59	.....	.....	.....	3	19	6	101
Rensselaer	192	44	5	1	.....	3	40	9	90
Rockland	531	86	.....	1	.....	4	85	51	304
St. Lawrence	185	19	.....	.....	1	.....	3	22	140
Saratoga	207	61	.....	2	1	1	17	9	116
Schenectady	21	6	.....	.....	.....	.....	1	.....	14
Schoharie	35	12	.....	.....	.....	.....	.....	4	19
Schuyler	49	4	1	1	.....	.....	16	1	26
Seneca	6	1	.....	.....	.....	.....	.....	2	3
Steuben	55	16	.....	.....	.....	2	4	6	27
Suffolk	1602	392	1	.....	.....	13	357	356	483
Sullivan	146	29	1	1	1	1	12	11	90
Tioga	58	10	.....	.....	.....	.....	2	3	43
Tompkins	75	23	.....	.....	.....	.....	2	1	50
Ulster	261	152	.....	.....	.....	1	28	15	65
Warren	82	20	.....	.....	.....	.....	2	2	58
Washington	11	2	.....	.....	.....	.....	1	.....	8
Wayne	106	44	.....	.....	.....	1	9	4	48
Westchester	1550	373	4	1	1	20	630	73	448
Wyoming	18	7	.....	.....	.....	1	1	.....	9
Yates	5	3	.....	.....	.....	.....	.....	.....	2

Table A-111
FAMILY COURT
Original Dispositions Of Family Offense Petitions: Breakdown Of Dispositions (Allegations Established)
1986

Location	Total	Suspended Judgment	Probation	Order Of Protection	Probation & Order Of Protection
Total New York State	12256	42	42	12130	42
Total New York City	5155	8	18	5104	25
New York	1081	2	8	1067	4
Kings	1078	1	.....	1075	2
Queens	1431	2	3	1424	2
Bronx	1246	3	5	1223	15
Richmond	319	.....	2	315	2
Total Upstate	7101	34	24	7026	17
Albany	263	1	.....	262	.....
Allegany	3	.....	.....	3	.....
Broome	151	5	3	143	.....
Cattaraugus	.....	.....	.....	.....	.....
Cayuga	6	.....	.....	6	.....
Chautauqua	33	.....	.....	33	.....
Chemung	72	2	.....	67	3
Chenango	.....	.....	.....	.....	.....
Clinton	8	.....	.....	8	.....
Columbia	16	.....	.....	16	.....
Cortland	46	.....	1	43	2
Delaware	70	2	.....	68	.....
Dutchess	85	.....	.....	85	.....
Erie	831	8	1	822	.....
Essex	99	.....	1	98	.....
Franklin	40	.....	.....	40	.....
Fulton	86	.....	.....	86	.....
Genesee	57	.....	1	55	1
Greene	57	.....	.....	57	.....
Hamilton	3	.....	.....	3	.....
Herkimer	91	1	3	86	1
Jefferson	112	2	.....	110	.....
Lewis	16	.....	.....	16	.....
Livingston	5	.....	.....	5	.....
Madison	90	.....	.....	90	.....
Monroe	341	1	1	339	.....
Montgomery	32	.....	1	31	.....
Nassau	1494	.....	6	1487	1
Niagara	105	.....	1	103	1
Oneida	112	.....	.....	112	.....
Onondaga	364	.....	1	363	.....
Ontario	131	1	1	128	1
Orange	61	.....	.....	61	.....
Orleans	23	.....	.....	22	1
Oswego	43	.....	.....	43	.....
Otsego	11	.....	.....	11	.....
Putman	101	.....	.....	101	.....
Rensselaer	90	2	1	85	2
Rockland	304	.....	.....	304	.....
St. Lawrence	140	.....	.....	139	1
Saratoga	116	.....	2	114	.....
Schenectady	14	2	.....	12	.....
Schoharie	19	1	.....	18	.....
Schuyler	26	1	.....	25	.....
Seneca	3	.....	.....	3	.....
Steuben	27	1	.....	26	.....
Suffolk	483	.....	.....	483	.....
Sullivan	90	1	.....	89	.....
Tioga	43	.....	.....	42	1
Tompkins	50	1	.....	49	.....
Ulster	65	.....	.....	65	.....
Warren	58	.....	.....	58	.....
Washington	8	.....	.....	8	.....
Wayne	48	.....	.....	48	.....
Westchester	448	1	.....	445	2
Wyoming	9	.....	.....	9	.....
Yates	2	1	.....	1	.....

Table A-112
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Days From Filing Petition To Completion Of Fact-Finding Hearing
1986

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	7637	801	581	634	538	1180	265	60	18	3	3557
Total New York City	2092	113	39	34	45	178	54	10	9	1	1609
New York	333	16	8	3	5	13	8	.....	1	.....	279
Kings	773	54	16	15	16	65	25	3	5	1	573
Queens	524	24	11	9	17	61	8	2	2	.....	390
Bronx	398	12	3	6	5	30	10	3	1	.....	328
Richmond	64	7	1	1	2	9	3	2	.....	.....	39
Total Upstate	5545	688	542	600	493	1002	211	50	9	2	1948
Albany	374	43	40	71	46	60	7	1	.....	.....	106
Allegany	9	1	.....	.....	1	4	.....	1	.....	.....	2
Broome	138	13	26	24	18	26	2	1	.....	.....	28
Cattaraugus	44	3	3	3	5	7	4	1	.....	.....	18
Cayuga	8	.....	4	2	1	1	.....	.....	.....	.....	.....
Chautauqua	80	1	2	9	16	30	4	2	.....	.....	16
Chemung	63	5	13	7	16	13	2	.....	.....	.....	7
Chenango	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Clinton	27	1	1	3	3	10	1	1	.....	.....	7
Columbia	54	6	6	8	9	14	1	.....	.....	.....	10
Cortland	46	5	3	4	3	17	4	.....	.....	.....	10
Delaware	29	.....	6	2	3	11	2	.....	.....	.....	5
Dutchess	79	6	2	6	12	18	3	.....	.....	.....	32
Erie	1028	254	126	74	44	93	34	4	.....	1	398
Essex	16	4	4	.....	3	4	.....	.....	.....	.....	1
Franklin	23	1	.....	3	5	9	.....	.....	.....	.....	5
Fulton	31	2	7	7	1	6	.....	.....	.....	.....	8
Genesee	41	1	2	7	4	10	6	2	.....	.....	9
Greene	29	2	4	5	3	3	1	1	.....	.....	10
Hamilton	1	.....	.....	.....	.....	.....	.....	1	.....	.....	.....
Herkimer	39	.....	.....	2	.....	5	7	5	1	.....	19
Jefferson	45	11	9	7	6	6	.....	1	.....	.....	5
Lewis	6	2	.....	.....	3	.....	.....	.....	.....	.....	1
Livingston	6	.....	.....	1	.....	2	1	1	.....	.....	1
Madison	34	3	2	1	1	1	3	.....	.....	.....	23
Monroe	359	52	57	34	14	52	9	2	1	.....	138
Montgomery	21	1	4	6	4	4	.....	.....	.....	.....	2
Nassau	272	44	18	80	38	41	6	1	1	.....	43
Niagara	108	14	14	18	12	21	3	.....	.....	.....	26
Oneida	171	12	30	30	29	29	2	.....	.....	.....	39
Onondaga	350	8	27	34	31	88	14	6	3	.....	139
Ontario	68	8	6	12	10	16	8	.....	.....	.....	8
Orange	194	10	4	20	13	44	8	2	.....	.....	93
Orleans	24	.....	2	3	9	1	3	.....	.....	.....	6
Oswego	35	4	2	6	4	13	.....	.....	.....	.....	6
Otsego	15	1	1	.....	2	8	.....	.....	.....	.....	3
Putman	40	2	.....	6	4	3	1	1	.....	.....	23
Rensselaer	218	2	3	6	7	67	21	4	...	...	108
Rockland	59	11	4	5	4	16	4	1	.....	1	13
St. Lawrence	26	4	7	6	.....	4	2	.....	.....	.....	3
Saratoga	127	43	20	19	13	11	1	.....	.....	.....	20
Schenectady	1	.....	.....	.....	.....	1	.....	.....	.....	.....	.....
Schoharie	6	1	1	1	.....	.....	.....	.....	.....	.....	3
Schuyler	26	2	4	2	2	4	1	.....	.....	.....	11
Senecca	18	2	3	1	2	3	2	.....	.....	.....	5
Steuben	87	8	7	8	15	30	5	1	.....	.....	13
Suffolk	294	17	2	10	4	24	3	3	.....	.....	231
Sullivan	47	6	4	4	2	8	1	.....	.....	.....	22
Tioga	14	3	1	4	5	1	.....	.....	.....	.....	.....
Tompkins	36	.....	2	2	2	5	1	.....	.....	.....	24
Ulster	111	2	7	5	15	46	7	.....	.....	.....	29
Warren	68	14	11	5	7	10	3	2	1	.....	15
Washington	89	20	17	8	15	14	3	.....	.....	.....	12
Wayne	71	5	4	8	5	15	.....	.....	.....	.....	34
Westchester	306	24	20	10	16	67	20	4	2	.....	143
Wyoming	29	4	.....	1	5	5	1	1	.....	.....	12
Yates	5	.....	.....	.....	1	1	.....	.....	.....	.....	3

*Disposed before fact-finding

Table A-113
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Days From Completion Of Fact-Finding Hearing To Completion Of Dispositional Hearing
1986

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	7,637	738	53	86	222	1,902	630	402	37	10	3,557
Total New York City	2,092	56	3	9	27	196	112	68	11	1	1,609
New York	333	10	...	...	1	26	11	3	3	...	279
Kings	773	10	2	3	17	67	51	47	3	...	573
Queens	524	20	...	5	5	65	29	7	2	1	390
Bronx	398	14	...	1	3	24	15	10	3	...	328
Richmond	64	2	1	...	1	14	6	1	...	...	39
Total Upstate	5,545	682	50	77	195	1,706	518	334	26	9	1,948
Albany	374	23	7	7	26	146	52	7	...	...	106
Allegany	9	6	...	...	...	...	...	1	...	...	2
Broome	138	13	1	10	25	57	3	1	...	...	28
Cattaraugus	44	2	3	...	3	17	1	...	...	...	18
Cayuga	8	1	...	...	1	5	1	...	...	...	...
Chautauqua	80	1	...	6	21	20	3	13	...	...	16
Chemung	63	1	...	...	...	45	6	3	1	...	7
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	27	11	...	2	2	...	...	5	...	...	7
Columbia	54	30	...	2	1	10	1	...	...	...	10
Cortland	46	9	...	2	...	18	5	2	...	...	10
Delaware	29	8	...	...	1	8	7	...	...	...	5
Dutchess	79	7	...	1	2	23	7	7	...	...	32
Erie	1,028	232	3	12	20	147	76	127	12	1	398
Essex	16	3	1	...	...	7	4	...	...	...	1
Franklin	23	1	...	...	1	13	...	3	...	...	5
Fulton	31	4	1	...	2	12	4	...	...	...	8
Genesee	41	8	...	1	6	13	1	3	...	...	9
Greene	29	...	...	...	...	16	3	...	...	...	10
Hamilton	1	1	...	...	...	...	...	...	...	...	...
Herkimer	39	11	...	...	...	2	3	4	...	...	19
Jefferson	45	31	2	1	1	...	...	4	...	...	5
Lewis	6	1	...	3	1	...	...	...	...	...	1
Livingston	6	4	...	1	...	...	...	...	...	...	1
Madison	34	3	...	...	1	5	2	...	...	...	23
Monroe	359	5	8	2	15	143	31	15	2	...	138
Montgomery	21	1	...	...	...	17	1	...	...	...	2
Nassau	272	9	1	1	...	149	59	9	1	...	43
Niagara	108	22	2	5	9	38	5	1	...	...	26
Oneida	171	4	...	2	8	104	12	2	...	...	39
Onondaga	350	18	2	1	17	120	27	25	1	...	139
Ontario	68	15	...	...	...	16	15	13	1	...	8
Orange	106	13	...	...	1	66	9	5	1	6	93
Orleans	24	2	...	...	1	14	1	...	...	...	6
Oswego	35	1	...	...	2	24	2	...	...	...	6
Otsego	15	1	...	...	...	10	1	...	...	...	3
Putnam	40	1	...	...	...	9	4	3	...	...	23
Rensselaer	218	11	2	1	4	84	8	...	...	...	108
Rockland	59	5	...	...	...	26	11	3	1	...	13
St. Lawrence	26	1	...	...	1	21	...	...	...	...	3
Saratoga	127	6	1	10	4	58	8	20	...	...	20
Schenectady	1	1	...	...	...	...	...	...	...	...	...
Schoharie	6	...	...	...	...	1	1	1	...	...	3
Schuyler	26	9	...	...	...	6	...	...	...	...	11
Seneca	18	1	...	...	1	7	2	2	...	...	5
Steuben	87	16	2	...	3	32	10	11	...	...	13
Suffolk	294	5	2	...	3	37	10	3	2	1	231
Sullivan	47	6	2	1	2	12	2	...	...	...	22
Tioga	14	...	...	...	...	3	9	2	...	...	...
Tompkins	36	6	...	...	...	3	3	...	...	...	24
Ulster	111	8	2	1	...	40	27	3	...	1	29
Warren	68	14	5	2	7	15	2	8	...	...	15
Washington	89	69	...	1	...	2	1	4	...	...	12
Wayne	71	3	...	1	...	20	7	6	...	...	34
Westchester	306	13	1	1	3	58	67	16	4	...	143
Wyoming	29	5	2	...	...	5	4	1	...	...	12
Yates	5	...	...	...	...	1	...	1	...	...	3

*Disposed before fact-finding

Table A-114
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Age Of Boys When Petition Filed
1986

Location	Total	5 or Younger	6-8	9-11	12-14	15 or More
Total New York State	3,994	2	41	271	1,967	1,713
Total New York City	1,129	...	6	57	587	479
New York	179	...	1	7	90	81
Kings	412	...	1	25	218	168
Queens	289	...	1	10	156	122
Bronx	219	...	3	14	108	94
Richmond	30	...	...	1	15	14
Total Upstate	2,865	2	35	214	1,380	1,234
Albany	195	...	8	11	93	83
Allegany	7	...	...	1	4	2
Broome	62	...	...	...	31	31
Cattaraugus	23	...	...	1	15	7
Cayuga	2	...	...	...	2	...
Chautauqua	40	...	1	4	17	18
Chemung	31	...	1	4	10	16
Chenango	...	...	...	...	...	...
Clinton	15	...	...	1	8	6
Columbia	35	...	...	3	18	14
Cortland	31	...	...	...	17	14
Delaware	20	...	...	2	9	9
Dutchess	44	...	...	...	21	23
Erie	529	...	14	48	263	204
Essex	9	...	...	...	5	4
Franklin	9	...	...	...	7	2
Fulton	15	...	...	1	8	6
Genesee	21	...	...	...	7	14
Greene	19	...	...	2	11	6
Hamilton	1	...	...	...	...	1
Herkimer	16	...	...	1	11	4
Jefferson	20	...	...	2	11	7
Lewis	3	...	...	...	1	2
Livingston	2	...	...	...	1	1
Madison	16	...	...	2	7	7
Monroe	153	...	...	5	76	72
Montgomery	14	...	2	...	3	9
Nassau	136	...	...	7	54	75
Niagara	51	...	1	4	28	18
Oneida	89	...	...	7	41	41
Onondaga	176	...	...	17	82	77
Ontario	34	...	...	2	13	19
Orange	102	...	1	6	46	49
Orleans	15	...	...	2	6	7
Oswego	12	...	...	2	5	5
Otsego	9	...	...	3	4	2
Putnam	21	2	...	1	2	16
Rensselaer	117	...	2	15	61	39
Rockland	36	...	...	3	23	10
St. Lawrence	13	...	...	...	5	8
Saratoga	74	...	...	9	37	28
Schenectady	1	...	...	...	...	1
Schoharie	1	...	...	...	...	1
Schuyler	10	...	...	1	8	1
Seneca	10	...	...	...	9	1
Steuben	50	...	1	7	31	11
Suffolk	153	...	1	14	55	83
Sullivan	24	...	...	...	13	11
Tioga	10	...	...	1	5	4
Tompkins	20	...	...	...	9	11
Ulster	54	...	1	4	26	23
Warren	32	...	...	4	19	9
Washington	59	...	...	3	33	23
Wayne	33	...	1	3	18	11
Westchester	171	...	1	6	82	82
Wyoming	17	...	...	4	8	5
Yates	3	...	...	1	1	1

Table A-115
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Age Of Girls When Petition Filed
1986

Location	Total	5 or Younger	6-8	9-11	12-14	15 or More
Total New York State	3,643	1	15	96	1,806	1,725
Total New York City	963	...	4	31	520	408
New York	154	...	...	6	76	72
Kings	361	...	2	15	220	124
Queens	235	...	1	4	111	119
Bronx	179	...	1	5	99	74
Richmond	34	...	...	1	14	19
Total Upstate	2,680	1	11	65	1,286	1,317
Albany	179	...	3	7	78	91
Allegany	2	...	...	...	1	1
Broome	76	...	...	1	53	22
Cattaraugus	21	...	...	1	9	11
Cayuga	6	...	...	...	3	3
Chautauqua	40	...	...	1	29	10
Chemung	32	...	1	...	16	15
Chenango	...	...	...	...	...	...
Clinton	12	...	...	...	3	9
Columbia	19	...	...	1	6	12
Cortland	15	...	...	...	5	10
Delaware	9	...	...	...	7	2
Dutchess	35	...	...	...	15	20
Erie	499	...	3	17	234	245
Essex	7	...	...	...	1	6
Franklin	14	...	...	...	4	10
Fulton	16	...	...	...	11	5
Genesee	20	...	...	...	8	12
Greene	10	...	...	...	2	8
Hamilton	...	...	...	...	...	...
Herkimer	23	...	1	1	12	9
Jefferson	25	...	...	1	10	14
Lewis	3	...	...	...	1	2
Livingston	4	...	...	...	2	2
Madison	18	...	...	1	13	4
Monroe	206	...	...	4	110	92
Montgomery	7	...	...	...	4	3
Nassau	136	...	...	2	63	71
Niagara	57	...	...	1	29	27
Oneida	82	...	...	...	39	43
Onondaga	174	...	...	3	80	91
Ontario	34	...	...	...	16	18
Orange	92	...	...	4	48	40
Orleans	9	...	...	1	3	5
Oswego	23	...	...	...	14	9
Otsego	6	...	...	...	2	4
Putman	19	...	...	...	7	12
Rensselaer	101	...	...	4	51	46
Rockland	23	...	...	...	6	17
St. Lawrence	13	...	...	...	4	9
Saratoga	53	1	1	2	25	24
Schenectady	...	...	...	...	...	...
Schoharie	5	...	...	2	2	1
Schuyler	16	...	...	2	6	8
Seneca	8	...	...	1	3	4
Steuben	37	...	...	1	21	15
Suffolk	141	...	2	2	63	74
Sullivan	23	...	...	...	11	12
Tioga	4	...	...	...	2	2
Tompkins	16	...	...	...	7	9
Ulster	57	...	...	1	27	29
Warren	36	...	...	...	17	19
Washington	30	...	...	1	15	14
Wayne	38	...	...	...	19	19
Westchester	135	...	...	3	67	65
Wyoming	12	...	...	...	2	10
Yates	2	...	...	...	...	2

Table A-116
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions:
1986

Location	Total	Original PINS Petition	PINS Petition Substituted for JO Petition
Total New York State	7,637	7,425	212
Total New York City	2,092	2,049	43
New York	333	321	12
Kings	773	760	13
Queens	524	513	11
Bronx	398	393	5
Richmond	64	62	2
Total Upstate	5,545	5,376	169
Albany	374	374	...
Allegany	9	9	...
Broome	138	136	2
Cattaraugus	44	44	...
Cayuga	8	8	...
Chautauqua	80	80	...
Chemung	63	63	...
Chenango	...	...	...
Clinton	27	25	2
Columbia	54	39	15
Cortland	46	42	4
Delaware	29	29	...
Dutchess	79	77	2
Erie	1,028	1,024	4
Essex	16	16	...
Franklin	23	23	...
Fulton	31	31	...
Genesee	41	36	5
Greene	29	26	3
Hamilton	1	1	...
Herkimer	39	39	...
Jefferson	45	41	4
Lewis	6	6	...
Livingston	6	6	...
Madison	34	31	3
Monroe	359	356	3
Montgomery	21	21	...
Nassau	272	270	2
Niagara	108	107	1
Oneida	171	169	2
Onondaga	350	338	12
Ontario	68	61	7
Orange	194	192	2
Orleans	24	24	...
Oswego	35	34	1
Otsego	15	13	2
Putman	40	39	1
Rensselaer	218	197	21
Rockland	59	57	2
St. Lawrence	26	24	2
Saratoga	127	125	2
Schenectady	1	1	...
Schoharie	6	5	1
Schuyler	26	23	3
Seneca	18	18	...
Steuben	87	87	...
Suffolk	294	290	4
Sullivan	47	46	1
Tioga	14	14	...
Tompkins	36	36	...
Ulster	111	110	1
Warren	68	58	10
Washington	89	51	38
Wayne	71	71	...
Westchester	306	303	3
Wyoming	29	26	3
Yates	5	4	1

Table A-117
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Type Of Petitioner
1986

Location	Total	Police/ Peace Officer	Parent/ Legal Guardian	Injured Individual Or Parent Relative Guardian of Injured Individual	Witness To Injury	School	Author- ized Agency	Presentment Agency that Consented to Substitute Pins For JO Petition	Other
Total New York State	7,637	119	5,299	135	3	1,796	114	146	25
Total New York City	2,092	27	1,936	45	...	52	9	11	12
New York	333	5	290	18	...	5	5	4	6
Kings	773	10	712	11	...	32	3	3	2
Queens	524	8	495	6	...	7	1	4	3
Bronx	398	3	391	2	...	1	...	...	1
Richmond	64	1	48	8	...	7	...	...	...
Total Upstate	5,545	92	3,363	90	3	1,744	105	135	13
Albany	374	4	238	11	1	116	3	...	1
Allegany	9	1	3	...	...	4	1	...	...
Broome	138	3	67	1	...	61	6	...	...
Cattaraugus	44	1	15	...	...	25	3	...	...
Cayuga	8	...	3	...	...	5	...	...	...
Chautauqua	80	...	45	...	...	35	...	...	...
Chemung	63	2	46	...	...	15	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	27	...	9	...	...	14	1	2	1
Columbia	54	...	17	...	...	22	1	14	...
Cortland	46	...	24	...	...	15	3	3	1
Delaware	29	2	11	1	1	14	...	...	...
Dutchess	79	1	41	3	...	31	2	1	...
Erie	1,028	5	847	25	1	132	14	...	4
Essex	16	...	7	1	...	8	...	...	...
Franklin	23	1	7	...	...	14	1	...	...
Fulton	31	3	17	...	...	10	...	...	1
Genesee	41	1	22	...	...	13	...	5	...
Greene	29	2	16	...	...	8	1	2	...
Hamilton	1	...	...	...	...	1	...	...	...
Herkimer	39	...	9	1	...	28	1	...	...
Jefferson	45	...	24	...	...	14	3	4	...
Lewis	6	...	4	1	...	1	...	...	...
Livingston	6	...	3	...	...	3	...	...	...
Madison	34	1	15	...	...	14	1	3	...
Monroe	359	2	263	3	...	72	19	...	...
Montgomery	21	...	8	...	...	13	...	...	...
Nassau	272	2	199	2	...	64	3	1	1
Niagara	108	1	76	...	...	27	3	1	...
Oneida	171	1	84	4	...	81	...	1	...
Onondaga	350	2	237	8	...	86	6	11	...
Ontario	68	10	31	...	...	20	5	2	...
Orange	194	1	87	7	...	95	...	2	2
Orleans	24	...	15	...	...	8	1	...	...
Oswego	35	...	24	...	...	10	...	1	...
Otsego	15	...	8	...	...	4	1	2	...
Putnam	40	...	27	3	...	9	...	1	...
Rensselaer	218	4	100	1	...	97	...	15	1
Rockland	59	1	36	...	...	20	...	2	...
St. Lawrence	26	...	9	...	...	13	2	2	...
Saratoga	127	...	75	1	...	46	3	2	...
Schenectady	1	...	1	...	...	...	...	...	...
Schoharie	6	...	2	...	...	3	...	1	...
Schuyler	26	...	19	...	...	5	...	2	...
Seneca	18	...	11	2	...	5	...	...	...
Steuben	87	2	48	...	...	36	1	...	...
Suffolk	294	...	140	5	...	140	5	3	1
Sullivan	47	10	22	1	...	13	1	...	...
Tioga	14	...	11	...	...	3	...	...	...
Tompkins	36	...	19	3	...	9	5	...	...
Ulster	111	1	51	...	...	57	2	...	...
Warren	68	2	32	...	...	24	...	10	...
Washington	89	2	30	...	...	19	1	37	...
Wayne	71	22	23	1	...	25	...	...	...
Westchester	306	1	164	5	...	130	5	1	...
Wyoming	29	...	20	...	...	6	...	3	...
Yates	5	1	1	...	...	1	1	1	...

Table A-118
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Allegations In Petitions
1986

Location	Total	Habitual Truancy	Incorrigible Ungovernable Or Habitual Disobedience	221.05 Penal Law	Other
Total New York State	10,091	3,411	5,653	272	755
Total New York City	3,658	1,309	1,778	103	468
New York	498	146	265	11	76
Kings	1,428	523	670	19	216
Queens	926	334	433	70	89
Bronx	703	266	357	3	77
Richmond	103	40	53	...	10
Total Upstate	6,433	2,102	3,875	169	287
Albany	384	123	255	...	6
Allegany	14	4	8	1	1
Broome	147	68	73	...	6
Cattaraugus	54	20	27	7	...
Cayuga	10	4	6	...	...
Chautauqua	86	26	47	13	...
Chemung	63	15	48	...	...
Chenango	...	...	...	...	...
Clinton	36	15	18	...	3
Columbia	54	22	18	1	13
Cortland	48	13	31	...	4
Delaware	35	15	20	...	...
Dutchess	92	34	44	3	11
Erie	1,031	125	904	...	2
Essex	30	7	14	6	3
Franklin	24	11	13	...	...
Fulton	41	16	22	2	1
Genesee	71	31	30	5	5
Greene	33	11	21	...	1
Hamilton	2	1	1	...	...
Herkimer	43	27	14	...	2
Jefferson	49	14	29	2	4
Lewis	10	3	6	...	1
Livingston	14	5	6	3	...
Madison	39	14	22	...	3
Monroe	523	152	274	33	64
Montgomery	32	18	13	1	...
Nassau	274	64	207	...	3
Niagara	141	40	84	15	2
Oneida	197	93	94	9	1
Onondaga	363	98	252	4	9
Ontario	107	34	57	10	6
Orange	267	152	115	...	...
Orleans	31	11	19	...	1
Oswego	42	15	27	...	...
Otsego	15	3	12	...	...
Putnam	41	10	30	...	1
Rensselaer	277	116	118	16	27
Rockland	86	39	45	...	2
St. Lawrence	35	14	21	...	...
Saratoga	152	45	106	...	1
Schenectady	1	...	1	...	...
Schoharie	8	3	3	1	1
Schuyler	39	11	23	1	4
Seneca	23	7	16	...	...
Steuben	117	37	55	1	24
Suffolk	302	145	149	4	4
Sullivan	49	11	37	...	1
Tioga	21	7	14	...	...
Tompkins	60	23	27	5	5
Ulster	137	60	63	13	1
Warren	85	27	47	2	9
Washington	104	19	47	...	38
Wayne	79	25	51	2	1
Westchester	371	188	165	6	12
Wyoming	38	10	21	3	4
Yates	6	1	5	...	...

NOTE: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each Petition.

Table A-119
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Outcome Of Fact-Finding
1986

Location	Total	Allegations Established In Whole Or In Part After Fact-Finding Hearing	Allegations Established Whole Or In Part By Admission	Allegations Not Established After Fact-Finding Heading	Not Applicable*
Total New York State	7,637	158	3,776	146	3,557
Total New York City	2,092	11	455	17	1,609
New York	333	4	46	4	279
Kings	773	3	187	10	573
Queens	524	3	128	3	390
Bronx	398	1	69	...	328
Richmond	64	...	25	...	39
Total Upstate	5,545	147	3,321	129	1,948
Albany	374	...	259	9	106
Allegany	9	...	6	1	2
Broome	138	9	97	4	28
Cattaraugus	44	...	26	...	18
Cayuga	8	...	8	...	...
Chautauqua	80	1	58	5	16
Chemung	63	...	56	...	7
Chenango	...	...	...	...	...
Clinton	27	2	18	...	7
Columbia	54	6	37	1	10
Cortland	46	...	34	2	10
Delware	29	...	20	3	5
Dutchess	79	1	43	3	32
Erie	1,028	36	586	8	398
Essex	16	...	15	...	1
Franklin	23	...	18	...	5
Fulton	31	1	22	...	8
Genesee	41	1	31	...	9
Greene	29	1	18	...	10
Hamilton	1	1	...	...	...
Herkimer	39	3	17	...	19
Jefferson	45	...	36	4	5
Lewis	6	...	4	1	1
Livingston	6	...	5	...	1
Madison	34	...	11	...	23
Monroe	359	22	195	4	138
Montgomery	21	2	16	1	2
Nassau	272	4	207	18	43
Niagara	108	1	79	2	26
Oneida	171	4	125	3	39
Onondaga	350	1	207	3	139
Ontario	68	13	35	12	8
Orange	194	1	98	2	93
Orleans	24	1	17	...	6
Oswego	35	4	24	1	6
Otsego	15	4	8	...	3
Putman	40	...	17	...	23
Rensselaer	218	2	106	2	108
Rockland	59	2	44	...	13
St. Lawrence	26	2	20	1	3
Saratoga	127	2	103	2	20
Schenectady	1	...	1	...	...
Schoharie	6	1	2	...	3
Schuyler	26	1	13	1	11
Seneca	18	2	11	...	5
Steuben	87	3	69	2	13
Suffolk	294	4	45	14	231
Sullivan	47	...	25	...	22
Tioga	14	1	13	...	...
Tompkins	36	...	12	...	24
Ulster	111	...	79	3	29
Warren	68	1	49	3	15
Washington	89	1	76	...	12
Wayne	71	2	29	6	34
Westechester	306	3	152	8	143
Wyoming	29	...	17	...	12
Yates	5	...	2	...	3

*Disposed before fact-finding

Table A-120
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Duration of Probation
1986

Location	Total	One Month Or Less	2-4 Months	5-7 Months	8-9 Months	10-11 Months	Twelve or More Months
Total New York State	7,637	5,639	6	70	10	6	1,906
Total New York City	2,092	1,985	...	4	2	...	101
New York	333	322	...	2	...	...	9
Kings	773	741	...	1	1	...	30
Queens	524	473	...	1	1	...	49
Bronx	398	390	...	...	...	...	8
Richmond	64	59	...	...	...	...	5
Total Upstate	5,545	3,654	6	66	8	6	1,805
Albany	374	263	...	9	...	...	102
Allegany	9	6	...	...	...	...	3
Broome	138	99	...	1	...	...	38
Cattaraugus	44	33	...	1	1	...	9
Cayuga	8	6	...	...	...	...	2
Chautauqua	80	52	...	...	...	...	28
Chemung	63	31	...	...	...	...	32
Chenango	...	...	...	...	...	...	...
Clinton	27	18	...	...	1	...	8
Columbia	54	20	...	3	...	...	31
Cortland	46	29	...	...	...	...	17
Delaware	29	23	...	1	...	...	5
Dutchess	79	51	...	1	...	...	27
Erie	1,028	671	...	8	...	...	349
Essex	16	10	...	...	...	...	6
Franklin	23	13	...	...	...	...	10
Fulton	31	21	...	...	...	...	10
Genesee	41	22	...	1	...	...	18
Greene	29	19	...	...	...	...	10
Hamilton	1	1	...	...	...	...	...
Herkimer	39	32	...	2	...	...	5
Jefferson	45	15	...	5	2	...	23
Lewis	6	3	...	...	...	...	3
Livingston	6	3	...	1	...	...	2
Madison	34	31	...	...	...	...	3
Monroe	359	249	2	2	...	...	106
Montgomery	21	10	...	...	...	...	11
Nassau	272	106	...	...	...	...	166
Niagara	108	63	3	3	2	5	32
Oneida	171	97	...	3	...	...	71
Onondaga	350	257	...	...	...	1	92
Ontario	68	37	...	...	...	...	31
Orange	194	145	...	...	...	...	49
Orleans	24	19	...	...	...	...	5
Oswego	35	15	...	1	...	...	19
Otsego	15	12	...	...	...	...	3
Putman	40	31	...	1	...	...	8
Rensselaer	218	143	...	...	...	...	75
Rockland	59	29	...	...	...	...	30
St. Lawrence	26	16	...	...	...	...	10
Saratoga	127	79	...	2	...	...	46
Schenectady	1	1	...	...	...	...	...
Schoharie	6	3	...	...	...	...	3
Schuyler	26	20	...	...	...	...	6
Seneca	18	15	...	...	...	...	3
Steuben	87	70	...	1	...	...	16
Suffolk	294	251	...	...	1	...	42
Sullivan	47	31	...	...	...	...	16
Tioga	14	7	...	...	...	...	7
Tompkins	36	33	...	...	...	...	3
Ulster	111	78	...	...	...	...	33
Warren	68	51	1	...	...	..	16
Washington	89	39	...	...	...	...	50
Wayne	71	49	...	2	...	...	20
Westchester	306	206	...	18	...	...	82
Wyoming	29	17	...	...	1	...	11
Yates	5	3	...	...	...	...	2

Table A-121
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Breakdown Of Dispositions (Allegations Not Established)
1986

Location	Total	Withdrawn	Dispositions — Allegations Not Established				Other Dismissal	Total Dispositions Allegations Established
			Consolidated	Transferred to Other County	Dismissed After Fact-Finding Hearing	ACD		
Total New York State	7,637	1,153	41	29	38	1,168	1,808	3,400
Total New York City	2,092	424	...	...	12	257	1,043	356
New York	333	114	...	...	1	7	169	43
Kings	773	137	...	...	4	91	405	136
Queens	524	78	...	...	1	110	221	114
Bronx	398	83	...	...	3	29	235	48
Richmond	64	12	...	...	3	20	14	15
Total Upstate	5,545	729	41	29	26	911	765	3,044
Albany	374	8	10	5	...	64	81	206
Allegany	9	...	...	...	...	...	2	7
Broome	138	10	1	...	1	22	14	90
Cattaraugus	44	4	...	...	2	8	5	25
Cayuga	8	...	...	...	...	...	1	7
Chautauqua	80	5	...	...	...	14	12	49
Chemung	63	6	1	...	...	1	...	55
Chenango	...	...	...	...	...	...	...	...
Clinton	27	5	...	...	...	6	1	15
Columbia	54	7	1	...	...	3	...	43
Cortland	46	1	...	1	...	8	4	32
Delaware	29	3	1	...	2	10	3	10
Dutchess	79	15	10	...	...	13	5	36
Erie	1,028	37	...	...	2	264	226	499
Essex	16	...	...	...	...	3	1	12
Franklin	23	1	...	...	...	7	...	15
Fulton	31	7	...	...	...	...	1	23
Genesee	41	5	...	...	...	6	2	28
Greene	29	1	...	...	1	5	4	18
Hamilton	1	...	...	...	...	...	1	...
Herkimer	39	13	...	...	...	6	5	15
Jefferson	45	1	1	1	...	6	1	35
Lewis	6	1	...	...	1	...	...	4
Livingston	6	1	...	...	...	...	...	5
Madison	34	1	...	...	...	5	6	22
Monroe	359	45	...	2	...	45	62	205
Montgomery	21	2	...	...	...	1	...	18
Nassau	272	34	...	4	3	6	22	203
Niagara	108	9	1	2	...	10	7	79
Oneida	171	29	...	...	...	4	12	126
Onondaga	350	40	1	...	...	78	59	172
Ontario	68	4	...	...	1	15	4	44
Orange	194	26	...	1	1	53	37	76
Orleans	24	3	1	...	...	1	1	18
Oswego	35	7	...	...	...	1	...	27
Otsego	15	1	...	...	...	2	1	11
Putman	40	6	...	...	...	15	4	15
Rensselaer	218	20	3	1	3	76	12	103
Rockland	59	8	...	...	...	4	5	42
St. Lawrence	26	1	...	...	...	...	3	22
Saratoga	127	7	2	4	1	20	13	80
Schenectady	1	...	...	...	...	1	...	...
Schoharie	6	1	...	2	...	...	...	3
Schuyler	26	4	...	...	1	4	3	14
Seneca	18	2	...	...	...	3	1	12
Steuben	87	3	...	2	3	17	13	49
Suffolk	294	177	...	2	2	7	57	49
Sullivan	47	11	...	1	...	8	4	23
Tioga	14	...	...	...	...	...	...	14
Tompkins	36	6	...	...	...	12	7	11
Ulster	111	18	...	...	...	16	5	72
Warren	68	6	...	...	...	10	3	49
Washington	89	5	...	...	...	9	1	74
Wayne	71	16	2	1	1	12	10	29
Westchester	306	103	6	...	1	21	41	134
Wyoming	29	2	...	...	...	7	3	17
Yates	5	1	...	...	...	2	...	2

Table A-122
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Breakdown of Dispositions (Allegations Established)
1986

Location	Total	Discharged With Warning	Suspended Judgment	Probation	Placement		
					Home Rel.-Pvt. Person	Comm. Of Social Service	DFY
Total New York State	3,400	46	147	2,000	40	1,039	128
Total New York City	356	3	2	107	6	224	14
New York	43	1	1	11	3	26	1
Kings	136	1	1	32	1	92	9
Queens	114	...	...	51	...	62	1
Bronx	48	...	...	8	1	38	1
Richmond	15	1	...	5	1	6	2
Total Upstate	3,044	43	145	1,893	34	815	114
Albany	206	...	30	111	2	52	11
Allegany	7	...	...	3	...	3	1
Broome	90	4	1	39	3	43	...
Cattaraugus	25	...	1	11	...	13	...
Cayuga	7	...	...	2	...	3	2
Chautauqua	49	...	...	28	...	21	...
Chemung	55	...	4	32	...	16	3
Chenango	...	...	...	...	...	...	...
Clinton	15	...	...	9	...	5	1
Columbia	43	2	...	34	1	5	1
Cortland	32	...	3	17	2	3	7
Delaware	10	1	...	6	...	3	...
Dutchess	36	...	...	28	...	7	1
Erie	499	2	7	358	4	102	26
Essex	12	...	...	6	...	6	...
Franklin	15	...	...	10	...	4	1
Fulton	23	...	...	10	...	13	...
Genesee	28	...	...	19	2	7	...
Greene	18	...	...	10	1	3	4
Hamilton	...	...	...	...	...	...	...
Herkimer	15	...	...	7	...	6	2
Jefferson	35	...	...	30	...	5	...
Lewis	4	...	...	3	...	1	...
Livingston	5	...	1	3	...	1	...
Madison	22	...	6	3	1	11	1
Monroe	205	...	8	110	...	86	1
Montgomery	18	...	2	11	...	5	...
Nassau	203	1	16	166	...	2	18
Niagara	79	6	2	45	1	24	1
Oneida	126	...	...	74	...	45	7
Onondaga	172	...	11	93	1	65	2
Ontario	44	1	4	31	...	8	...
Orange	76	4	...	49	1	22	...
Orleans	18	...	...	5	1	12	...
Oswego	27	...	4	20	...	3	...
Otsego	11	1	...	3	1	6	...
Putman	15	...	...	9	...	6	...
Rensselaer	103	6	...	75	...	19	3
Rockland	42	...	3	31	1	6	1
St. Lawrence	22	...	...	10	...	11	1
Saratoga	80	...	1	48	...	27	4
Schenectady	...	...	...	...	...	...	...
Schoharie	3	...	...	3	...	...	...
Schuyler	14	...	...	6	1	3	4
Seneca	12	...	2	3	...	7	...
Steuben	49	...	1	17	3	28	...
Suffolk	49	3	1	43	1	1	...
Sullivan	23	...	3	16	...	3	1
Tioga	14	...	...	7	...	7	...
Tompkins	11	1	3	3	...	4	...
Ulster	72	8	2	33	1	19	9
Warren	49	3	11	17	2	16	...
Washington	74	...	14	50	2	8	...
Wayne	29	...	3	22	1	3	...
Westchester	134	...	1	100	...	33	...
Wyoming	17	...	...	12	1	3	1
Yates	2	...	...	2	...	...	...

Table A-123
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Restitution Or Public Service Recommended Or Ordered
1986

Location	Total	Rest. Or Pub. Serv. Recomm. Or Ordered	Rest. Or Pub. Serv. Not Recomm. Or Ordered
Total New York State	7,637	79	7,558
Total New York City	2,092	10	2,082
New York	333	1	332
Kings	773	4	769
Queens	524	3	521
Bronx	398	2	396
Richmond	64	...	64
Total Upstate	5,545	69	5,476
Albany	374	...	374
Allegany	9	...	9
Broome	138	1	137
Cattaraugus	44	...	44
Cayuga	8	...	8
Chautauqua	80	...	80
Chemung	63	2	61
Chenango	...	...	...
Clinton	27	...	27
Columbia	54	8	46
Cortland	46	2	44
Delaware	29	...	29
Dutchess	79	2	77
Erie	1,028	2	1,026
Essex	16	1	15
Franklin	23	...	23
Fulton	31	1	30
Genesee	41	2	39
Greene	29	...	29
Hamilton	1	...	1
Herkimer	39	...	39
Jefferson	45	2	43
Lewis	6	...	6
Livingston	6	...	6
Madison	34	1	33
Monroe	359	1	358
Montgomery	21	...	21
Nassau	272	...	272
Niagara	108	2	106
Oneida	171	3	168
Onondaga	350	1	349
Ontario	68	2	66
Orange	194	3	191
Orleans	24	...	24
Oswego	35	...	35
Otsego	15	2	13
Putman	40	...	40
Rensselaer	218	6	212
Rockland	59	2	57
St. Lawrence	26	4	22
Saratoga	127	1	126
Schenectady	1	...	1
Schoharie	6	...	6
Schuyler	26	3	23
Seneca	18	...	18
Steuben	87	...	87
Suffolk	294	...	294
Sullivan	47	...	47
Tioga	14	...	14
Tompkins	36	...	36
Ulster	111	...	111
Warren	68	3	65
Washington	89	9	80
Wayne	71	1	70
Westchester	306	...	306
Wyoming	29	2	27
Yates	5	...	5

Table A-124
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Children Released And Detained Before Petition Filed
1986

Location	Total	Not Released Pursuant To 728	Released Pursuant To 728	Not Applicable*
Total New York State	7,607	79	45	7,483
Total New York City	2,082	40	15	2,027
New York	333	20	12	301
Kings	768	8	...	760
Queens	520	8	1	511
Bronx	398	3	2	393
Richmond	63	1	...	62
Total Upstate	5,525	39	30	5,456
Albany	374	...	...	374
Allegany	9	1	...	8
Broome	138	...	...	138
Cattaraugus	44	1	...	43
Cayuga	8	...	...	8
Chautauqua	80	...	...	80
Chemung	63	...	...	63
Chenango	...	...	...	...
Clinton	27	...	...	27
Columbia	54	1	1	52
Cortland	43	5	3	35
Delaware	29	2	1	26
Dutchess	79	1	...	78
Erie	1,022	3	3	1,016
Essex	16	...	...	16
Franklin	23	...	...	23
Fulton	31	1	...	30
Genesee	41	...	...	41
Greene	29	...	...	29
Hamilton	1	...	...	1
Herkimer	39	...	...	39
Jefferson	45	...	...	45
Lewis	6	...	...	6
Livingston	6	...	...	6
Madison	34	...	1	33
Monroe	359	1	...	358
Montgomery	21	...	...	21
Nassau	269	4	...	265
Niagara	108	1	1	106
Oneida	171	...	...	171
Onondaga	348	5	2	341
Ontario	68	1	1	66
Orange	194	1	...	193
Orleans	24	...	...	24
Oswego	33	...	...	33
Otsego	15	2	...	13
Putman	40	...	...	40
Rensselaer	218	...	...	218
Rockland	59	1	...	58
St. Lawrence	26	...	...	26
Saratoga	127	2	...	125
Schenectady	1	...	...	1
Schoharie	6	...	...	6
Schuyler	26	2	3	21
Seneca	18	...	...	18
Steuben	87	...	5	82
Suffolk	292	2	3	287
Sullivan	47	...	1	46
Tioga	14	1	...	13
Tompkins	36	...	1	35
Ulster	111	...	...	111
Warren	68	...	2	66
Washington	89	...	...	89
Wayne	71	1	2	68
Westchester	304	...	...	304
Wyoming	29	...	...	29
Yates	5	...	...	5

* Respondent Not Detained.

Table A-125
FAMILY COURT
Original Dispositions Of Persons In Need Of Supervision Petitions: Children Released And Detained After Petition Filed
1986

Location	Total		8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 Or More Days	Not De-tained
Total New York State	7,635	188	155	109	205	532	152	27	6,267
Total New York City	2,090	75	40	16	84	190	81	20	1,584
New York	333	10	8	5	17	23	12	1	257
Kings	772	43	14	3	30	78	42	14	548
Queens	524	4	4	2	17	23	11	2	461
Bronx	397	17	10	6	19	54	12	3	276
Richmond	64	1	4	...	1	12	4	...	42
Total Upstate	5,545	113	115	93	121	342	71	7	4,683
Albany	374	2	12	9	31	51	4	...	265
Allegany	9	1	...	...	...	...	...	...	8
Broome	138	2	...	1	1	9	1	1	123
Cattaraugus	44	...	1	...	...	...	...	...	43
Cayuga	8	...	...	...	...	...	...	...	8
Chautauqua	80	...	...	...	...	...	...	...	80
Chemung	63	1	...	3	2	7	2	...	48
Chenango	...	...	...	...	...	...	...	...	...
Clinton	27	...	...	3	...	1	...	...	23
Columbia	54	...	1	1	...	...	...	1	51
Cortland	46	7	1	5	1	8	...	...	24
Delaware	29	...	...	...	...	...	...	...	29
Dutchess	79	1	1	...	2	2	...	...	73
Erie	1,028	43	18	13	24	81	13	2	834
Essex	16	...	...	...	...	...	...	...	16
Franklin	23	...	...	...	2	...	...	...	21
Fulton	31	...	1	1	...	2	...	...	27
Genesee	41	...	...	...	...	...	...	...	41
Greene	29	...	1	...	...	2	...	...	26
Hamilton	1	...	...	...	...	...	...	...	1
Herkimer	39	...	1	...	...	1	1	...	36
Jefferson	45	...	...	...	...	1	...	...	44
Lewis	6	...	...	...	...	...	...	...	4
Livingston	6	...	...	...	...	...	...	...	6
Madison	34	1	...	...	1	3	...	...	29
Monroe	359	18	25	19	18	75	12	...	192
Montgomery	21	...	...	...	...	...	...	...	21
Nassau	272	2	3	...	1	1	1	2	262
Niagara	108	4	5	1	1	1	...	...	96
Oneida	171	...	5	...	...	1	...	...	165
Onondaga	350	3	4	5	13	40	15	...	270
Ontario	68	7	1	...	1	5	...	...	54
Orange	194	...	...	...	...	...	...	...	194
Orleans	24	...	...	...	...	...	...	...	24
Oswego	35	...	...	...	...	...	...	...	35
Otsego	15	1	1	...	...	1	1	...	11
Putnam	40	...	...	...	...	4	2	...	34
Rensselaer	218	...	7	1	1	5	1	...	203
Rockland	59	1	1	1	1	7	2	...	46
St. Lawrence	26	...	...	...	...	1	...	...	25
Saratoga	127	4	3	17	4	6	...	...	93
Schenectady	1	...	...	...	...	...	...	...	1
Schoharie	6	...	...	...	1	...	...	...	5
Schuyler	26	...	...	1	...	...	...	...	25
Seneca	18	...	...	1	...	1	...	...	16
Steuben	87	6	11	...	...	4	...	...	66
Suffolk	294	...	1	4	2	...	...	...	287
Sullivan	47	...	...	...	...	...	...	...	47
Tioga	14	...	2	1	2	2	1	...	6
Tompkins	36	1	3	2	...	2	2	...	26
Ulster	111	...	...	...	1	2	...	...	108
Warren	68	3	3	2	5	3	...	1	51
Washington	89	...	...	...	...	...	...	...	89
Wayne	71	3	3	1	3	3	...	...	58
Westchester	306	2	...	1	2	10	12	...	279
Wyoming	29	...	...	...	1	...	1	...	27
Yates	5	...	...	...	...	...	...	...	5

Table A-126
FAMILY COURT
Persons In Need Of Supervision Petitions:
Orders Extending Placement
1986

Placement	Total Orders Extending Placement	1st Order Extending Placement	2nd Order Extending Placement	3rd Order Extending Placement	4th or More Order Extending Placement
New York State					
Home, Rel., Pvt. Person	8	2	6	...	...
Comm. Social Service	668	401	178	54	35
DFY Title II	143	84	32	18	9
**Total	819	487	216	72	44
New York City					
Home, Rel., Pvt. Person	...	...	...	...	...
Comm. Social Service	121	64	32	11	14
DFY Title II	7	3	1	1	2
**Total	128	67	33	12	16
Outside New York City					
Home, Rel., Pvt. Person	8	2	6	...	...
Comm. Social Service	547	337	146	43	21
DFY Title II	136	81	31	17	7
**Total	691	420	183	60	28

This table only includes those 110 forms where petition type (Section E) is code 3 -pins